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AN ACT

TO PROVIDE A

GENERAL RAILROAD LAW

FOR THE

MANAGEMENT AND REGULATION OF RAILROADS
IN THIS STATE,

AND FOR THE APPOINTMENT OF A

RAILROAD COMMISSIONER.

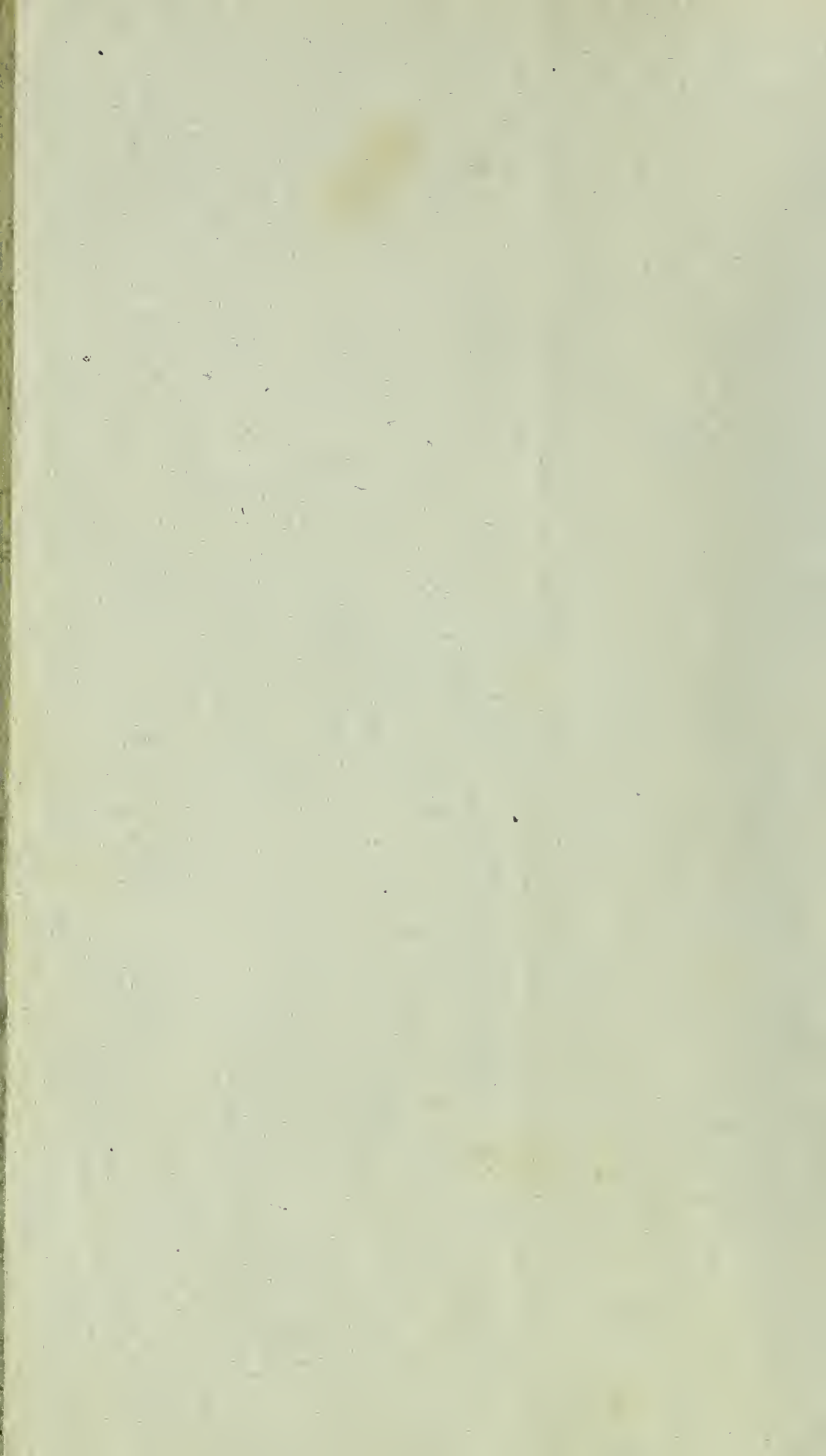
AND TO PRESCRIBE HIS

POWERS AND DUTIES.

COLUMBIA, S. C.

JAMES WOODROW, STATE PRINTER.

1882.



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ERRATA.

Page 2, in the heading, insert "and consolidation" after "charters.

Page 5. strike out "consolidation of corporations," and substitute "taking stock or bonds of other companies."

Page 15, under "taxes," strike out "In S. C.," "In Ga.," "In N. C."

Page 25, Section 37, last line, change "to" to "by."

Page 31, Section 56, strike out "and financial condition."

Page 33, Section 63, line 2, strike out "or persons."

Page 36, Section 79, line 5, insert "Railroad Commissioner or" before "County Commissioners."

Page 36, Section 80, last line, insert after "adopted" "but if such recommendations be so adopted."

There being no Section 65, Section 66 has been changed to 65, 67 to 66, and so on to the end.

RAILROAD LAW.

AN ACT TO PROVIDE A GENERAL RAILROAD LAW FOR THE MANAGEMENT AND REGULATION OF RAILROADS IN THIS STATE, AND FOR THE APPOINTMENT OF A RAILROAD COMMISSIONER, AND TO PRESCRIBE HIS POWERS AND DUTIES.

Be it enacted by the Senate and House of Representatives of the State of South Carolina, now met and sitting in General Assembly, and by the authority of the same :

Extent and Purview of the Act.

Sec.	Sec.
1. How cited.	3. Liability of a corporation operating road of another corporation.
2. Construction of terms, "railroads and railways," "railroad," "railroad corporation," and "railroad company."	4. Corporations subject to this Act.

SECTION 1. This Act may be cited as the "General Railroad Act," one thousand eight hundred and eighty-one.

SEC. 2. In the construction of this Act, except where such meaning would be repugnant to the context, or contrary to the manifest intention of the Legislature, the phrase "railroads and railways" shall be construed to include all railroads and railways doing business as common carriers in this State (except marine railways), operated by steam, and whether operated by the corporations owning them or by other corporations or otherwise; "railroad" shall be construed to mean a railroad or railway operated by steam power. The phrase "railroad corporation" shall be construed to mean the corporation which lays out, constructs, maintains, or operates a railroad operated by steam power, and "railroad company" shall have no different meaning from "railroad corporation."

SEC. 3. When a railroad laid out and constructed by one corporation is lawfully maintained and operated by another corporation, the latter shall be subject to the duties, liabilities, restrictions and other provisions, as they are set forth in this Act, respecting or arising from the maintenance and operation of such railroad, in the same manner as if it had been laid out and constructed by said latter corporation. When a railroad is lawfully maintained and operated by trustees or receivers, they shall in like manner be subject to the duties, liabilities, restrictions and other provisions respecting or arising from the

maintenance and operation of such railroad which are attached in this Act to the corporation for whose stockholders or creditors or either they are trustees or receivers.

SEC. 4. Railroad corporations heretofore established in this State, whether by special Act or in conformity with the provisions of any general law, shall have the powers and privileges and be subject to duties, liabilities, restrictions, and other provisions contained in this Act, which, so far as inconsistent with charters granted since the seventeenth day of December, one thousand eight hundred and forty-one, shall be deemed and taken to be in alteration and amendment thereof: *Provided*, That nothing herein contained shall affect any act done or any right accruing, accrued, or established, or any proceedings, doings, or acts ratified or confirmed, or any suit or proceeding had or commenced in any case before the Act takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this Act.

As to the Charters of Railroads.

Sec.

5. No charter or extension thereof to be granted without three months' notice of application.

Sec.

6. Liability at common law not limited by public notice or declaration.
7. Stockholders entitled to one vote for each share of stock.

SEC. 5. No charter for the incorporation of railroad companies, or any extension thereof, shall be granted by the Legislature, unless three months' public notice of the application for the same be previously given by advertisement in one of the papers of the County in which such road may be situated; or, if there be no newspaper in such County, then, by publication of such notice at the Court House, or some conspicuous place in the County.

SEC. 6. No public notice, or declaration, shall limit, or in any wise affect, the liability, at common law, of any Railroad Company within this State, for or in respect of any goods to be carried and conveyed by them; but such Railroad Company shall be liable, as at common law, to answer for the loss of, or injury to, any articles and goods to be carried and conveyed by them, any public notice, or declaration, by them made and given contrary thereto, or in anywise limiting such liability, notwithstanding.

SEC. 7. At all general or special meetings or elections of the stockholders of any Railroad Company incorporated by this State, each share of stock shall entitle the holder thereof to one vote: *Provided*, That nothing herein contained shall affect the mode of voting adopted and practised by any Railroad Company at the time that this Act shall become of force.

Formation of Corporations by Purchasers.

Sec.	Sec.
8 Purchasers at sale may form corporation. Certificate to be filed in Secretary of State's office; what to contain.	11. May establish sinking funds and capital stock—make by-laws, rules and regulations.
9. Powers of corporation.	12. Subject to certain provisions of General Statutes.
10. May issue bonds, secured by mortgage. Property and franchises subject to lien.	

SEC. 8. In case of the sale of any railroad, situated heretofore or hereafter wholly within this State or partly in an adjoining State, by virtue of any mortgage or deed of trust, whether under foreclosure or other judicial proceeding, or pursuant to any power contained in such mortgage or deed of trust, the purchaser or purchasers thereof, or his or their survivor or survivors, representatives, or assigns, may, together with their associates, (if any,) form a corporation for the purpose of owning, possessing, maintaining, and operating such railroad, or such portion thereof as may be situated within this State, by filing in the office of the Secretary of State of this State a certificate specifying the name and style of such corporation, the number of Directors of the same, the name of its Directors, and the period of their services, not exceeding one year, the amount of the capital stock of such corporation, and the number of shares into which it is to be divided; and the persons signing such certificate, and their successors, shall be a body corporate and politic, by the name specified in such certificate, with power to sue and be sued, contract and be contracted with, and to own, possess, maintain, and operate the railroad referred to in such certificate, and to transact all business connected with the same; and a copy of such certificate, attested by the Secretary of State or his deputy, shall, in all Courts and places, be evidence of the due organization and existence of such corporation and of the matters specified in such certificate: *Provided*, That nothing herein contained shall be construed to authorize in any manner the purchase or lease of such railroad, by any railroad corporation, or steamship company, chartered either by this or by any other State, except as hereinafter provided: *And provided, further*, That the capital stock; to be named in the certificate aforesaid, shall in no case be greater than the amount of the capital stock specified in the original charter of the railroad so sold, and any amendment or amendments thereto.

SEC. 9. Such corporation shall possess all the powers, rights, immunities, privileges, and franchises in respect to such railroad, or the part thereof included in such certificate, and in respect to the real and personal property appertaining to the same, which were possessed or enjoyed by the corporation which owned or held such railroad previous to such sale under or by virtue of its charter and any amend-

ments thereto, and of other laws of this State, or the laws of any other State, in which any part of such railroad may have been situated, not inconsistent with the laws of this State.

SEC. 10. Such corporation shall have power to make and issue bonds bearing such rate of interest, not exceeding seven per cent. per annum, payable at such times and places, and in such amount or amounts, as it may deem expedient, and to sell and dispose of such bonds at such prices and in such manner as it may deem proper, and to secure the payment of such bonds by its mortgage or deed of trust of its railroad or any part thereof, and its real and personal property and franchises. And all of the property and franchises of such corporation embraced or intended to be embraced in any such mortgage or deed of trust, whether then held or hereafter acquired, shall be subject to the lien and operation of such mortgage or deed of trust, and in case of sale under the same, shall pass to and become vested in the purchaser or purchasers thereof, so as to enable him or them to form a new corporation in the manner hereinbefore prescribed, and to vest in such new corporation all the faculties, powers, rights, immunities, privileges and franchises possessed by its predecessor or conferred by this Act.

SEC. 11. Such corporation shall also have power to establish sinking funds for the payment of its liabilities, and to issue capital stock, to such an aggregate amount as it may deem necessary, not exceeding the amount named in its certificate of organization. Any such corporation shall also have power to make by-laws, rules, and regulations in relation to its business, and the number of its Directors, and the times and places of holding meetings of the stockholders and Directors, and the same to alter and change as may be deemed expedient: *Provided*, That such by-laws, rules, and regulations shall conform to the laws of this State.

SEC. 12. Any Railroad corporation, formed under the provisions of Sections 8, 9, 10, and 11, of this Act, shall be subject, as to the charter of such corporation, to the provisions of Section 1, Chapter LXIII., Title XIII., of the General Statutes of this State, any provision in the original charter of the company which owned or held such railroad, previous to such sale, and any amendments thereto, to the contrary notwithstanding.

Consolidation of Corporations.

Sec.	Sec.
13. May consolidate with corporation of connecting line.	pany.
14. Directors to agree upon terms of consolidation. Agreement to be submitted to stockholders—filed in office of Secretary of State.	19. Liability to taxation.
15. When corporation to be deemed formed.	20. Proceedings to be instituted by stockholders opposing consolidation.
16. Rights, privileges, etc., of new corporation.	21. Company may purchase connecting road.
17. Shall establish offices.	22. May purchase bonds and stocks of other companies. May contract for the purchase and lease of roads. May guarantee bonds, etc., of connecting roads.
18. Suits may be brought against the com-	

SEC. 13. It shall and may be lawful for any railroad company or corporation, organized under the laws of this State, and operating a railroad, either in whole within, or partly within and partly without this State, under authority of this and any adjoining State, to merge and consolidate its capital stock, franchises, and property with those of any other railroad company, or companies or corporations, organized and operated under the laws of this or any other State, whenever the two or more railroads of the companies or corporations so to be consolidated shall or may form a continuous line of railroad with each other, or by means of any intervening railroad: *Provided*, That railroads terminating on the banks of any river, which are or may be connected by ferry or otherwise, shall be deemed continuous under this Act: *And provided, further*, That nothing in this Act contained shall be taken to authorize the consolidation of any company or corporation of this State with that of any other State whose laws shall not also authorize the like consolidation.

SEC. 14. Said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereafter in this Act mentioned and contained; that is to say:

1. The directors of the several corporations proposing to consolidate may enter into a joint agreement, under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the directors and other officers thereof, and who shall be the first directors and officers, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the said companies into that of the new corporation, and how and when directors and officers shall be chosen, with such other details as they shall deem necessary to perfect such new organization and the consolidation of said companies or railroads.

2. Said agreement shall be submitted to the stockholders of each of

the said companies or corporations at a meeting thereof, called separately, for the purpose of taking the same into consideration; due notice of the time and place of holding such meeting, and the object thereof, shall be given by a general notice, published in some newspaper in the city, town, or County where such company has its principal office or place of business; and at the said meeting of stockholders the agreement of the said Directors shall be considered, and a vote, by ballot, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and said ballots shall be cast in person or by proxy; and if a majority of all the votes of all the stockholders shall be for the adoption of said agreement, then that fact shall be certified thereon by the Secretary of the respective companies, under the seal thereof; and the agreement so adopted, or a certified copy thereof, shall be filed in the office of the Secretary of State, and shall, from thence, be deemed and taken to be the agreement and the act of consolidation of the said companies; and a copy of said agreement and act of consolidation, duly certified by the Secretary of State, under the seal thereof, shall be evidence of the existence of said new corporation.

SEC. 15. Upon the making and perfecting the agreement and act of consolidation, as provided in the preceding Section, and filing the same, or a copy, with the Secretary of State, as aforesaid, the several corporations, parties thereto, shall be deemed and taken to be one corporation by the name provided in said agreement and act, possessing within this State all the rights, privileges, and franchises, and subject to all the restrictions, disabilities, and duties of each of such corporations so consolidated.

SEC. 16. Upon the consummation of said Act of consolidation, as aforesaid, all and singular, the rights, privileges, and franchises of each of said corporations, parties to the same, and all the property, real, personal, and mixed, and all debts due on whatever account, as well as of stocks, subscriptions, and other things in action belonging to each of such corporations, shall be taken and deemed to be transferred to, and vested in, such new corporation, without further act or deed; and all property, all rights of way, and all and every other interest shall be as effectually the property of the new corporation as they were of the former corporations, parties by said agreement; and the title to real estate, either by deed or otherwise under the laws of this State vested in either of such corporations, shall not be deemed to revert, or be in any way impaired by reason of this Act: *Provided*, That all rights of creditors, and all liens upon the property of said corporations shall be preserved unimpaired; and the respective corporations may be deemed to continue in existence to preserve

the same; and all debts, liabilities, and duties of either of said companies shall thenceforth attach to said new corporation, and be enforced against it to the same extent as if said debts, liabilities, and duties had been incurred or contracted by it.

SEC. 17. Such new company shall, as soon as convenient after such consolidation, establish such offices as may be desirable, one of which shall be at some point in this State, on the line of its road, and may change the same at pleasure, giving public notice thereof in some newspaper published on the line of said road.

SEC. 18. Suits may be brought and maintained against such new company in any of the Courts of this State, for all causes of action, in the same manner as against other railroad companies therein.

SEC. 19. That portion of the road of such consolidated company in this State, and all its real estate and other property heretofore subject to taxation, shall be subject to like taxation, and assessed in the same manner, and with like effect, as property of other railroad companies in this State.

SEC. 20. Any stockholder of any company hereby authorized to consolidate with any other, who shall refuse to convert his stock into the stock of the consolidated company, may, at any time within thirty days after the adoption of the said agreement of consolidation by the stockholders, as in this Act provided, apply, by petition, to the Court of Common Pleas of the County in which the chief officer of said company may be kept, or to a Judge of said Court in vacation, if no such Court sits within said period, on reasonable notice to said company, to appoint three disinterested persons to estimate the damage, if any, done to such stockholder by said proposed consolidation, and whose award, or that of a majority of them, when confirmed by the said Court, shall be final and conclusive, and the person so appointed shall also appraise said stock of said stockholder at the full market value thereof, without regard to any depreciation or appreciation in consequence of the said consolidation; and the said company may, at its election, either pay to the said stockholder, the amount of damages so found and awarded, if any, or the value of the stock so ascertained and determined, and upon the payment of the value of the stock, as aforesaid, the stockholder shall transfer the stock so held by him to said company, to be disposed of by the Directors of said company, or to be retained for the benefit of the remaining stockholders; and in case the value of said stock, as aforesaid, is not so paid within thirty days from the filing of said award, and confirmation by said Court, and notice to said company, the damages, so found and confirmed, shall be a judgment against said

company, and collected as other judgments in said Court are, by law, recoverable.

SEC. 21. When any railroad shall be sold and conveyed by virtue of any mortgage or deed of trust, or under and by virtue of any process or decree of any Court of this State, or of the Circuit Court of the United States, it may be lawful for any company, of which the railroad connects therewith, to purchase and pay for the same, to issue their own stock for such an amount as the purchasers may deem the full and fair value thereof, and to hold and enjoy the railroad so purchased, with all the rights, privileges, and franchises, and with the same rights to charge for tolls, transportation, and car services, and subject to the same restrictions as were held, enjoyed, and limited by and in respect to the company of which the road may be so sold.

SEC. 22. It shall and may be lawful for any railroad company created by, and existing under the laws of the State, from time to time to purchase and hold the stock and bonds, or either, of any other railroad company or companies chartered by, or of which the road or roads is or are authorized to extend into this State; and it shall be lawful for any railroad companies to enter into contracts for the purchase, use, or lease of any other railroads, upon such terms as may be agreed upon with the company or companies owning the same, and to run, use and operate such road or roads in accordance with such contract or lease: *Provided*, That the roads of the companies so contracting or leasing shall be directly, or by means of intervening railroads, connected with each other. And it shall and may be lawful for any railroad corporation now organized, or which may hereafter be organized, under the laws of this State, to guarantee the bonds or stock or dividends of any other railroad corporation whenever the roads of such corporations shall connect with each other, or shall form a continuous line of railroad directly, or by means of any connecting railroad, or by steamboat or steamship line, such guaranty to be upon such terms and conditions as may be agreed upon by the stockholders of the corporations making the same: *Provided*, That no railroad corporation consolidating as hereinbefore provided shall thereby acquire any extraordinary rights, privileges, and exemptions not enjoyed by each of the companies consolidating under their respective charters: *And provided, further*, That all such agreements, and all parts of them, shall at all times be subject to amendment, alteration, or repeal by the Legislature.

Of other Railroad Corporations.

SEC. 23. A railroad corporation may aid in the construction of any branch or connecting railroad within the limits of this State, whether

connecting by railroad or steamboat lines, by subscribing for shares of stock in such corporation, or of any steamship line connecting the terminus of such railroad company with any port of the United States, or by taking its notes or bonds, to be secured by mortgage or otherwise, as the parties may agree, and shall be entitled to vote on all shares of stock so subscribed for and held.

Of Issuing Bonds.

SEC. 24. No railroad corporation which has previously issued bonds shall subsequently make or execute any mortgage upon its road equipment, and franchise, or any of its property, real or personal, without including in and securing by such mortgage all bonds previously issued and all pre-existing debts and liabilities of the corporation.

Of Proxies.

SEC. 25. No proxy shall be valid unless executed and dated within six months previously to the meeting at which it is used. No person shall as proxy or attorney cast more than one hundred votes, unless all the shares so represented by him are owned by one person. No salaried officer of the corporation shall vote as proxy or attorney. An officer of a railroad corporation, who violates any of the provisions of this section, shall for each offence forfeit and pay a fine of not less than one hundred dollars, nor more than five hundred dollars.

Annual Reports of Railroads.

Sec. 26. Time of filing.

|

Sec. 27. Rules and form.

SEC. 26. The several railroad companies chartered by this State shall be required to file in the office of the Railroad Commissioner on or before the 31st day of August in each and every year, a full and detailed schedule and report of the condition and operations of such road for the current year ending on the 30th day of June then immediately preceding.

SEC. 27. The Schedule and Report so required shall be made in accordance with the following rules, and in the following form:

I. All liabilities (including interest accrued on funded debt) shall be entered upon the books in the month when they are incurred, without reference to date of payment.

II. Expenses shall be charged each month with such supplies, materials, etc., as have been *used* during that month, without reference to the time when they were purchased or paid for.

III. No expenditure shall be charged to property accounts, except it be for actual increase in construction, equipments or other property, unless it is made on old work in such a way as to clearly increase the value of the property over and above the cost of renewing the original structures, etc. In such cases, only the amount of increased cost shall be charged, and the amount allowed on account of the old work shall be stated.

IV. Mileage of passenger and freight trains shall include only the miles shown to be run by distances between stations; allowances made to passenger or freight trains for switching, and all mileage of switching engines computed on a basis of eight miles per hour for the time of actual service shall be stated separately.

V. Season-ticket passengers shall be computed on the basis of twelve (12) passengers per week for the time of each ticket.

VI. Local traffic shall include all passengers carried on local tickets, and all freight carried at local tariff or special local rates. All other traffic shall be considered through.

ANNUAL REPORT

OF THE

..... RAILROAD COMPANY,

For the Year ending June 30th, 18...

Officers and Offices of the Company.

[illegible]

Proper address of the Company.....

[illegible]

Capital Stock.

Amount authorized.....		
Amount subscribed.....		
Amount paid in { Common.....		
{ Preferred.....		
Amount held in South Carolina { Common		
{ Preferred		
Par value of shares.....		
Number of stockholders residing in S. C..		
Whole number of stockholders.....		

Assets and Liabilities.—ASSETS.

Cost of construction June 30, 18.....		
Cost of construction since June 30, 18.....		
Cost of equipment June 30, 18.....		
Cost of equipment since June 30, 18.....		
Total cost of road and equipment.....		
Cost of road per mile.....		
Cost of equipment per mile.....		
Cost of road and equipment per mile.....		
Other investments.....		
Cash.....		
Other assets		
Total assets.....		

Earnings and Expenses.—EARNINGS.

Months.	Passengers.		Mails.	Other Sources: Passenger Department.	Total.	Freight.		Total.	Total per Month.
	Local.	Thrhg.				Local.	Thrhg.		
18...
July.....
August...
Sept.....
Oetober..
Novem...
Decem...
18...
January
Febru'ry
March
April.....
May.....
June.....
Totals.

Total earnings per mile of road.....

Total earnings per train mile.....

Earnings passenger department per mile of road.....

Earnings passenger department per train mile.....

Earnings freight department per mile of road.....

Earnings freight department per train mile.....

Expenses.

Months.	Maintenance of Way and Buildings.	Maintenance of Motive Power and Cars.	Conducting Transpor- tation.	General Expenses.				Total General Ex- penses.	Totals.
				Taxes.			Other General Expenses.		
				In S. C.	In Ga.	In N. C.			
18.....									
July									
August									
September									
October									
November									
December.....									
18.....									
January									
February									
March									
April									
May									
June.....									
Totals.....									

Total per mile of road.....	
Total per train mile	

Total earnings	
Total expenses	
Net earnings	
Other income.....	
Total net income.....	
Interest paid during year.....	
Interest falling due during year but not paid.....	
Rental paid during year.....	
Rental falling due but not paid.....	
Other payments from net income.....	
Balance.....	
Dividends.....	

Date of last dividend declared—

Surplus.....

Surplus at commencement of year.....

Total surplus.....

Total income.....

Total income per mile of road.....

Total income per train mile.....

Net earnings per mile of road.....

Net earnings per train mile.....

Description of Road.

When chartered.....

If your road has been consolidated with any other or others, state when the branches were chartered and when the consolidation occurred.

.....

.....

.....

.....

.....

When present charter expires.....

When road opened for public use.....

Year.	From.	To.	Miles.
.....
.....
.....

Total.....

Length of Road—Miles.

IN OPERATION.					CONSTRUCTED.				
	Main Line.	Branches.	Sidings.	Total.	Main Line.	Branches.	Sidings.	Total.	Graded.
Total.....									
In S. C.....									

*Rolling Stock—Number.**Employees.*

Locomotives.	Passenger Cars.	Freight Cars.	Express and Baggage.	Other Cars.	No.	Ag. Annual Salary.	Av. Annual Salary.
.....							

Kind of train brake in use on your road.....

Number of locomotives equipped with train brakes.....

Number of cars equipped with train brakes.....

Number of miles of steel rail.....

Number of miles of steel rail in South Carolina.....

Number of miles of steel rail laid since June 30, 18.....

Number of miles of steel rail laid in South Carolina since June 30, 18.....

Number of bridges: Iron..... Wooden..... Combination.....

Number of bridges built since June 30, 18 : Iron.....

Wooden..... Combination.....

Aggregate length of bridges: Iron..... Wooden..... Combination.....

Number of trestles.....

Aggregate length of trestles.....

What signal is given when crossing highway.....

Number of crossings of highway: At grade..... Under..... Over.....

Number of crossings of highway without sign.....

Gauge.....

Carrying capacity of freight cars.....pounds.....cubic feet.

Mileage, Traffic, &c.

MILEAGE.

Miles run by passenger trains.....	
Miles run by freight trains.....	
Miles run by other trains.....	
Total train mileage.....	

TRANSPORTATION.

Passengers—number carried, Local.....	
Through	

Total.....

Local passenger mileage	
Through passenger mileage.....	
Total passenger mileage, or number carried one mile.....	
Average amount received for each.....	
Average amount per mile for each.....	
Freight—Tons carried, Local.....	
Through.....	

Total.....

Local freight mileage or number of tons local freight carried one mile	
Through freight mileage or number of tons through freight carried one mile.....	
Total freight mileage or tons carried one mile.....	
Average amount received for each ton local freight.....	
Average amount received for each ton through freight.....	
Average amount received for each ton through and local freight.....	
Average rate per ton per mile local freight.....	

Average rate per ton per mile through freight.....
Average rate per ton per mile all freight.....
Charge for loading and unloading freight trains.....
Speed of passenger trains per hour.....
Speed of freight trains per hour.....
Failure of passenger trains to meet schedule time at junctions and termini.....
Average weight of passenger trains.....
Average number of cars in passenger trains.....
Average weight of freight trains.....
Average number of cars in freight trains.....

Tonnage of Freight Carried.

Articles.	Tons.	Per Cent.
Grain
Flour
Bacon
Other provisions.....
Lumber
Cotton in bales—Number of bales.....
Live stock.....
Fertilizers.....
Iron, lead, and mineral products.....
Merchandise.....
Stone, brick, lime, &c.....
Articles not enumerated above.....
Total freight carried.....

Accidents.

Below tabular statement give the cause and circumstances of each accident, with the finding of jury of inquest; also a detailed account of all train accidents:

[illegible]

Future Prospects of Road and General Remarks.

President.

Sworn to and subscribed before me, this.....day of.....
18.....

..... [L. S.]

AGAINST DISCRIMINATION BY RAILROADS.

Sec.	Sec.
28. Like and contemporaneous service—continuous carriage.	34. Consignee may demand itemized statement of charges.
29. Rebate and drawback.	35. Refusal to give statement a misdemeanor; penalty.
30. Continuous carriage.	36. To settle according to contract; penalty.
31. As to distance.	37. Classification of cotton—common carrier may demand weights.
32. Schedules to be kept accessible for inspection—what to contain.	38. Injury to baggage; penalty. (See "Of connecting roads.")
33. Application of Act to property, &c.,—continuous carriage.	

SEC. 28. It shall be unlawful for any person or persons engaged alone or associated with others in the transportation of property by railroad within the limits of this State, directly or indirectly to charge or receive from any person or persons any greater or less rate or amount of freight, compensation, or reward than is charged to or received from any other person or persons for like and contemporaneous service in the carrying, receiving, delivering, storing, or handling of the same articles of the same character and description. And

all persons engaged as aforesaid shall furnish, without discrimination, the same facilities for the carriage, receiving, delivery, storage, and handling of all property of like character carried by him or them, and shall perform with equal expedition the same kind of services connected with the contemporaneous transportation thereof as aforesaid. No break, stoppage, or interruption, nor any contract, agreement, or understanding, shall be made to prevent the carriage of any property from being and being treated as one continuous carriage, in the meaning of this Act, from the place of shipment to the place of destination, unless such stoppage, interruption, contract, arrangement, or understanding was made in good faith for some practical and necessary purpose, without any intent to avoid or interrupt such continuous carriage, or to evade any of the provisions of this Act.

SEC. 29. It shall be unlawful for any person or persons engaged in the transportation, shipment, or receiving of property as aforesaid, directly or indirectly to allow or receive any rebate, drawback, or other advantage, in any form, upon shipments made or services rendered or received, as aforesaid, by him or them.

SEC. 30. It shall be unlawful for any person or persons engaged in the carriage, receiving, storage, or handling of property as mentioned in the twenty-eighth Section of this Act, to enter into any combination, contract, or agreement, by changes of schedule, carriage in different cars, breaking car-loads into less than car-loads, or by any other means, with intent to prevent the carriage of such property from being continuous from the place of shipment to the place of destination, whether carried on one or several railroads.

SEC. 31. It shall be unlawful for any person or persons engaged in the transportation of property, as provided in the twenty-eighth Section of this Act, to charge or receive any greater compensation for carrying, receiving, storing, forwarding, or handling articles of the same character and description for a shorter than for a longer distance in one continuous carriage; and the road of a corporation shall include all the road in use by such corporation, whether owned or operated under a contract or lease by such corporation: *Provided*, That nothing in this Act contained shall be construed so as to require any corporation or combination of corporations, to regulate their charges for shorter distances by their proportion of through rates between terminal or junctional competitive points.

SEC. 32. All persons engaged in carrying property, as provided in the twenty-eighth Section of this Act, shall adopt and keep always accessible for public inspection, schedules, which shall plainly state:

First, The different kinds and classes of property to be carried.

Second, The different stations or places within this State upon the

line of such road, or other roads, within this State connecting therewith, and with which it has business relations, between which such property shall be carried.

Third. The rates of freight and prices of carriage, for given distances over such road or roads and for all services connected with the receiving, delivery, loading, unloading, storing, or handling the same, so that the rates and prices between such stations and places can always be known and ascertained therefrom.

Such schedules may be changed, from time to time, as hereinafter provided. Copies of such schedules shall be printed in plain, large type, and shall be kept always accessible for public inspection in at least two places in every depot where freights are received or delivered; and no such schedule shall be changed in any particular, except by the substitution of another schedule containing the specifications above required, which substituted schedule shall plainly state the time when it shall go into effect, and copies of which, printed as aforesaid, shall be lodged at the depots aforesaid at least five days before the same shall go into effect; and the same shall remain in force until another schedule shall, as aforesaid, be substituted. And it shall be unlawful for any person or persons engaged in carrying property on railroads as aforesaid, after thirty days after the passage of this Act, to charge or receive more or less compensation for the carriage, receiving, delivery, loading, unloading, handling, or storing of any of the property contemplated by the twenty-eighth Section of this Act, than shall be indicated in such schedule as may at the time be in force.

SEC. 33. Each and all of the provisions of this Act shall apply to all property, and the receiving, delivery, loading, unloading, handling, storing, or carriage of the same on one actually or substantially continuous carriage, or as part of such continuous carriage, as provided for in Section 28 of this Act; and the compensation therefor, whether such property be carried wholly on one railroad or partly on several railroads, and whether such services are performed or compensation paid by or to one person alone or in connection with another or other persons.

SEC. 34. Whenever any article or articles of freight shall be shipped to any point within the limits of this State, whether shipped from a point beyond the limits of this State or not, it shall and may be lawful for the consignee or consignees of said article or articles to demand and receive from the agent or agents of the railroad company delivering the same, and before the payment of any charges upon the same, a full and correct statement of said charges, showing the total amount to be paid by said consignee or consignees, together with the

proportion of the same to be paid to each road over which or any part of which said freight may have passed, whether such road be beyond the limits of this State or not: *Provided*, That it be within the power of such agent or agents so to do.

SEC. 35. It shall be a misdemeanor for any railroad agent to refuse to give any consignee or consignees the information set forth in the preceding Section; and upon conviction thereof in any Court of competent jurisdiction, he shall be fined in a sum not to exceed one hundred dollars, nor to be less than ten dollars, or be imprisoned from five to thirty days.

SEC. 36. In all cases the railroad company delivering freights to consignees shall be required to settle their freight charges according to the contract as set forth in the bill of lading from the shipping point, and they are hereby forbidden to retain the article of freight after the consignee offers and is ready and willing to comply with the terms of said bill of lading. For violating this Section the penalties shall be the same as prescribed in Section 35 for the offences therein set forth.

SEC. 37. On and after the passage of this Act all cotton packed in bales transported by common carriers within the limits of this State shall be classed as "heavy goods;" that is to say, an article to be weighed and charged for and treated accordingly: *Provided*, That any common carrier, before receiving such cotton for shipment, shall have the right to demand from the shipper the weights of the several bales thereof, and to adopt the same as the weights upon which freight is to be charged, and in case of loss no recovery shall be had by any shipper for a greater amount than the weights so furnished to him.

SEC. 38. Any baggage master or other person whose duty it is to handle, remove, or take care of the baggage of passengers, who shall wilfully or recklessly injure or destroy any trunk, valise, box, package or parcel, while loading, transporting, unloading, delivering, or storing the same, shall be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding thirty days.

Railroad Commissioner.

Sec.	Sec.
39. Election of Railroad Commissioner. Salary. Commissioner may be suspended by Governor. Vacancy in office; how filled. Oath of office. Term of incumbent.	43. To have general supervision of railroads and railways operated by steam.
40. May employ Clerk. Contingent fund.	44. To give notice to corporation of violation of law or charter.
41. Expenses; how borne. Assessment; how made and collected.	45. To give notice of necessary repairs and modification of rates of fare.
42. Commissioner and Clerk to be transported free on official business. May take experts.	46. To investigate complaint of Mayor and County Commissioners.
	47. Commissioner to investigate accidents.
	48. Corporation to furnish information on request.

Sec.	Sec.
49. No advice or request of Commissioner to impair legal duties and obligations of corporation.	54. Penalty for wilfully refusing or neglecting to give information, &c.
50. Commissioner to make Annual Report.	55. May propound interrogatories additional to schedule and report.
51. Railroads to make reports to Commissioner. Defective report to be amended in fifteen days.	56. To examine books, &c., on application of a Director, &c.
52. Pooling contracts to be submitted to Commissioner.	57. May examine and copy list of Stockholders.
53. May subpoena witnesses. Pay of witnesses. Clerk to approve accounts of witnesses. Penalty.	58. Penalty for refusing to submit books for examination.

SEC. 39. The Railroad Commissioner shall be elected by the joint vote of the General Assembly, and his term of office shall be for two years, and until his successor shall be elected and shall qualify. The first election for Railroad Commissioner under this Act shall be held at the session of the General Assembly next preceding the expiration of the term of the present incumbent. The salary of the Railroad Commissioner shall be at the rate of twenty-one hundred dollars per annum, to be paid from the treasury of the State in the manner prescribed by law for the salaries of other State officers. The Railroad Commissioner may be suspended from office by order of the Governor, who shall report such suspension, with his reasons therefor, to the General Assembly at next session; and if a majority of the votes of each branch of the General Assembly shall so declare, the Railroad Commissioner shall be forthwith removed from office, and his office shall be declared vacant. All vacancies in the office of Railroad Commissioner shall be filled by the Governor in the same mode as vacancies in State offices are filled. The Commissioner shall take the oath of office provided by the Constitution, and the oath against duelling, and in addition thereto shall take and subscribe an oath, that he is not, either jointly or severally, or in any manner, the holder of the stock or bonds or other obligations of any railroad, or the agent or employee of any railroad company, or interested in any way or manner in any railroad; and the Commissioner shall not, during his term of office, either jointly or severally, or in any way, be the holder of the bonds, stock, or other obligations of any railroad, or the agent or employee of any railroad company, or have any interest, in any way or manner, in any railroad, and [shall] so continue during the entire period of his term; and in case the Commissioner becomes disqualified in any way, he shall within ten days thereafter remove the disqualification or resign, and on failure so to do, the said office shall become *ipso facto* vacant, and the Governor shall thereupon proceed to fill such vacancy in the manner hereinbefore provided. In any case of suspension, the Governor may fill the vacancy until the suspended Commissioner is

restored or removed: *Provided, however,* That until the first election under this Act, and the qualification of the person elected Railroad Commissioner at such election, the present Railroad Commissioner shall be invested with all the authority, and shall discharge all the duties of Railroad Commissioner prescribed in this Act. and this Act shall, in all respects, apply to the said Railroad Commissioner, and to the office of Railroad Commissioner, as if the said Railroad Commissioner had been elected under the provisions of this Act.

SEC. 40. The Commissioner shall be furnished with an office, necessary furniture and stationery, and may employ a secretary or clerk, at a salary of twelve hundred dollars, to be paid in like manner as other salaries provided for in this Act. The office of said Commissioner shall be kept in Columbia, and all sums of money authorized to be paid by this Act out of the State Treasury shall be paid only on the warrant of the Comptroller General: *Provided,* That the total sum to be expended by said Commissioner for office rent, furniture, stationery, and for procuring books, maps, and statistics, and defraying expenses incidental and necessary to the discharge of the duties of his office, shall in no case exceed the sum of five hundred dollars, (\$500,) and two hundred dollars for office rent, or so much thereof as may be necessary, per annum.

SEC. 41. The entire expenses of the Railroad Commissioner, including all salaries and expenses of every kind, shall be borne by the several corporations owning or operating railroads within this State, according to their gross income proportioned to the number of miles in this State, to be apportioned by the Comptroller General of the State, who, on or before the first day of October in each and every year, shall assess upon each of said corporations its just proportion of such expenses, in proportion to its said gross income for the current year ending on the thirtieth day of June next preceding that on which the said assessment is made; and the said assessment shall be charged up against the said corporations respectively, under the order and direction of the Comptroller General, and shall be collected by the several County Treasurers, in the manner provided by law for the collection of taxes from such corporations, and shall be paid by the said County Treasurers, as collected, into the Treasury of the State, in like manner as other taxes collected by them for the State.

SEC. 42. The Commissioner and his Secretary shall be transported free of charge when in the performance of the duties of his office concerning railroads, over all railroads and railroad trains in this State; he may take with him experts, or other agents, whose services he may deem to be temporarily of importance, and who shall in like manner be transported free of charge.

SEC. 43. The Commissioner shall have the general supervision of all railroads and railways in this State operated by steam, and shall examine the same and keep himself informed as to their condition and the manner in which they are operated, with reference to the security and accommodation of the public and the compliance of the several corporations with the provisions of their charters and the laws of the State; and the provisions of this Act shall apply to all railroads and railways, and to the corporations, trustees, receivers, or others owning or operating the same.

SEC. 44. Whenever, in the judgment of the Railroad Commissioner, it shall appear that any such corporation has violated any law, or neglected, in any respect or particular, to comply with the terms of its charter, or with the provisions of any of the laws of the State, especially in regard to the connections with other railroads, the rates of toll, and the time schedule, he shall give notice thereof in writing to such corporation, and if the violation or neglect is continued after such notice, the Commissioner shall make application to a Circuit Court, or a Judge thereof, in vacation, for an injunction to restrain the company complained of from further continuing to violate the law or the terms of its charter.

SEC. 45. Whenever, in the judgment of the Railroad Commissioner, it shall appear that repairs are necessary upon any such railroad, or that any addition to the rolling stock, or any enlargement of, or improvement in, the stations or station houses, or any modification in the rates of fare for transporting freight or passengers, or any change in the mode of operating the road and conducting its business, is reasonable and expedient in order to promote the security, convenience, and accommodation of the public, he shall give information in writing to the corporation of the improvements and changes which he adjudges to be proper; and if the said company shall fail, within sixty days, to adopt the suggestions of said Commissioner, he shall take such legal proceedings as he may deem expedient, and shall have authority to call upon the Attorney General to institute and conduct such proceedings.

SEC. 46. Upon the complaint and application of the Mayor and Aldermen or Council of any city, town, or Board of County Commissioners of any County, within which any part of any such railroad is located, it shall be the duty of the Railroad Commissioner to make an examination of the condition and operation thereof. Before proceeding to make such examination in accordance with such application, said Commissioner shall give to the applicants and the railroad corporation reasonable notice, in writing, of the time and place of entering upon the same. If, upon such examination, it shall appear to the

Commissioner that the complaint alleged by the applicant is well founded, he shall so adjudge, and shall inform the corporation operating such railroad of his adjudication, in the same manner as is provided in Section 44 of this Act; and the company failing for sixty days after such notice to remove the cause of such complaint, he shall make report thereof to the General Assembly for such action as it may deem expedient; or if there be necessity for prompt action, he may take such legal proceedings as may be proper, and the Attorney General shall institute and conduct such proceedings.

SEC. 47. The Railroad Commissioner shall investigate the causes of any accident on a railroad resulting in loss of life, and of any accident not so resulting which, in his judgment, shall require investigation.

SEC. 48. Every railroad corporation shall, at all times, on request, furnish the Railroad Commissioner any information required by him concerning the condition, management, and operation of its railroad, and particularly with copies of time tables and also with the rates for transporting freight and passengers upon its road and other roads with which its business is connected.

SEC. 49. No request or advice of the Railroad Commissioner shall have the effect to impair, in any manner or degree, the legal duties and obligations of any railroad corporation or its legal liability for the consequence of its acts, or of the neglect or mismanagement of any of its agents or servants.

SEC. 50. The Railroad Commissioner shall make an annual report to the Legislature of his official acts, including such statements, facts, and explanations as will disclose the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the State; and such suggestions as to the general railroad policy of the State, or as to any part thereof, or as to the condition, affairs, or conduct of any of the railroad corporations, as may seem to him appropriate, with a special report of all accidents, and the causes thereof, for the preceding year.

SEC. 51. The Commissioner shall require the annual reports to be made by railroad companies in manner and form and at the time provided for herein, and shall be authorized to require reports to be made of such other matters as he may deem expedient; and he may from time to time make such changes as he may deem proper, in the form of report herein prescribed, giving the corporations one year's notice of any such changes or additions as require any alteration in the method or form of keeping their accounts; and the Commissioner shall, on or before the first day of June in each year, furnish to the several railroads blank forms of such reports. When the report received from any corporation is defective, or probably erroneous, the

Commissioner shall notify the corporation to amend the same within fifteen days. The Commissioner shall prepare such tables and abstracts of all the returns he shall deem expedient, and his annual report shall be transmitted to the Governor of the State on or before the second Monday in November in each year, to be laid before the Legislature. The originals of the report or reports, as amended, subscribed, and sworn to by the officers of the corporation, shall be preserved in the office of the Commissioner.

SEC. 52. All contracts, agreements, or arrangements of any and every nature made or entered into by any railroad company or companies doing business in this State, for the pooling of earnings of any kind, with any other railroad company or companies, shall be forthwith submitted by the said railroad companies to the Commissioner for his inspection and approval, so far as they may be affected by any of the provisions contained in this Act, for securing to all persons just, equal, and reasonable facilities for transportation of freight and passengers; and if the said contracts, agreements, or arrangements shall, in the opinion of the Commissioner, in any way be in violation of any of the provisions of this Act, the Commissioner shall forthwith notify the said railroad companies in writing of his objections thereto, specifying such objections; and if the said railroad companies shall fail or neglect, within five days after such notice, to amend and alter such contract, agreement, or arrangement in a manner satisfactory to the Commissioner, the Commissioner shall thereupon call upon the Attorney General to institute and conduct such legal proceedings as may be necessary to enforce the penalties prescribed in this Act for such violations of its provisions.

SEC. 53. The Railroad Commissioner in making any examination for the purpose of obtaining information pursuant to this Act, shall have power to issue subpoenas for the attendance of witnesses by such rules as he may prescribe, and said witnesses shall receive for such attendance such fees as are now prescribed by law for witnesses in civil cases, and five cents per mile travelled, by the nearest practicable route, in going to and returning from the place to which summoned by the Commissioner, to be paid by the Commissioner, out of the contingent fund hereinbefore provided, upon presentation of subpoenas sworn to by the witnesses as to the number of days served and miles travelled before the clerk of the Commissioner, who is hereby authorized to administer such oaths, and who shall approve such accounts. In case any person shall wilfully fail or refuse to obey such subpoena, it shall be the duty of the Judge of the Circuit Court of any County, upon application of the Commissioner, to issue an attachment for such witness and compel him to attend before the

Commissioner and give his testimony upon such matters as shall be lawfully required by the Commissioner, and said Judge shall have power to punish for contempt as in other cases of refusal to obey the process and order of said Court.

SEC. 54. Every officer, agent, or employee of any railroad company who shall wilfully neglect or refuse to make and furnish any report required by the Commissioner as necessary to the purposes of this Act, or who shall wilfully and unlawfully hinder, delay, or obstruct the Commissioner in the discharge of the duties hereby imposed upon him, shall forfeit and pay a sum not less than one hundred nor more than five thousand dollars for each offence, to be recovered in an action of debt in the name of the State, by the Attorney General, upon the request of the Commissioner.

SEC. 55. The Commissioner may make and propound to any of the railroad companies of this State any interrogatories additional to those contained in the Schedule and Report hereinbefore provided, which shall be answered by such companies in the same manner.

SEC. 56. On the application in writing of a Director, or of any person or persons owning one-fiftieth part of the entire paid-in capital stock of any corporation operating a railroad, or the bonds or other evidences of indebtedness of such corporation equal in amount to one-fiftieth part of its paid-in capital stock, the Railroad Commissioner shall make an examination into the books and financial condition of said corporation.

SEC. 57. The Railroad Commissioner shall further have, at all times, access to the list of stockholders of every corporation operating a railroad, and may, in his discretion, at any time, cause the same to be copied, in whole or in part, for his own information or for the information of persons owning stock in such corporation.

SEC. 58. A corporation refusing to submit its books to the examination of the Railroad Commissioner shall be liable to the penalties provided in Section 54 of this Act in the case of the neglect or refusal to make a report or return.

Of Connecting Railroads.

Sec.	Sec.
59. Discrimination against connecting road by refusing or neglecting to deliver freight.	61. Discrimination in favor of or against connecting road in rates.
60. Discrimination in favor of or against one connecting road against another by refusing to receive freight or to issue bills of lading at equal rates.	62. Meaning of term "railroad company." Limitation upon power of company to bar provisions of Act. (See "Against discrimination by railroads.")

SEC. 59. It shall not be lawful for any railroad company, chartered by this State, to discriminate against any railroad company which

may connect with it, either at one of its terminal stations, or at any intermediate point on its line, where said companies have stations and agents established, by neglecting or refusing to deliver with due diligence to said connecting road, in the yard or on the track of the same, all cars wholly or partly loaded with freight consigned to points on said connecting road, or to points beyond its line; but in all cases where freight is to be delivered to a connecting road to complete its transportation, such delivery shall be made by the railroad which brought the freight to the connecting point, and no additional charge shall be made therefor: *Provided, however,* That said delivering road may demand of its connections full payment of all charges which have accrued thereon, on or before delivery of said freight on the tracks or in the yard of its connecting road.

SEC. 60. It shall not be lawful for any railroad company, chartered by this State, to discriminate in favor of or against any railroad company which may connect with it, either at one of its terminal stations or at an intermediate point on its line, where said companies have stations and agents established, as against any other railroad company which may connect with it, at the same station or point, by refusing either to receive freight for shipment, or to issue through bills of lading, at equal rates of freight for the same, to any one given destination reached by any or all of such connecting roads, or their connections, for which freight is received, or through bills of lading are issued, to be forwarded by any other of such connecting roads at the same point: *Provided, however,* If any one of said connections shall refuse to transport freight from its own terminus to the ultimate destination of said freight, at the same rate as is charged by any other connections at the same point, then the initial road shall be released from the provisions of this Section, and the said connecting road shall not be entitled to the benefit of its provisions.

SEC. 61. It shall not be lawful for any railroad company, chartered by this State, to discriminate in its rates of freight in favor of or against any railroad company which may connect with it, either at one of its terminal stations, or at any intermediate point on its line; but in all cases the charges on freight of the same character, having the same original point of shipment and the same destination, shall be uniform to and from all lines making connection with the said railroad at the same point.

SEC. 62. In the construction of Sections 59, 60, and 61 of this Act, the term railroad company, chartered by this State, shall be held to mean each railroad company holding its franchise under a separate charter granted by this State; and no ownership of shares of the capital stock of one corporation by another corporation, nor any

lease, contract, or other agreement between corporations or individuals, shall operate as a bar to the provisions of this Act: but each corporation so chartered shall deal with all its connections at any one point on the same terms, and shall afford the like usual customary facilities for the interchange of freight between all of its connections at the same point; and any contract, combination, joint ownership, or joint management, contrary to the provisions of this Act, shall be null, void, and of no effect.

Running Trains on Sunday.

Sec.	Sec.
63. General prohibition—Cars loaded with animals may be unloaded.	65. Trains delayed by accident, &c.
64. What trains may be run.	66. Penalty.

SEC. 63. From and after the passage of this Act, it shall be unlawful for any railroad corporation or persons owning or controlling railroads operating in this State, to load or unload, or permit to be loaded or unloaded, or to run or permit to be run, on Sunday, any locomotive, cars, or trains of cars, moved by steam power, except as hereinafter provided, and except to unload cars loaded with animals.

SEC. 64. It shall be lawful for said corporations, or persons, to run on said day their regular mail trains and such construction or other trains rendered necessary by extraordinary emergencies other than those incident to freight or passenger traffic.

SEC. 65. It shall be lawful for any train running by a schedule made in conformity with the provisions of this Act, but delayed by accident or other unavoidable circumstance, to be run until it reaches the point at which it is usual for it to rest upon a Sunday.

SEC. 66. For a wilful violation of the provisions of Sections 63, 64, and 65 of this Act, the railroad company so offending shall forfeit to the State five hundred dollars, to be collected in any Court of competent jurisdiction.

Cruelty to Animals.

Sec.	Sec.
67. Cars not to be overloaded—Animals not to be confined longer than twenty-eight consecutive hours—Animals to be cared for; penalty.	68. Meaning of "animal," "owner," "person," and "whoever"—Act of agent the act of corporation.

SEC. 67. No railroad company in the carrying or transportation of animals shall overload the cars nor permit the animals to be confined in cars for a longer period than twenty-eight consecutive hours without unloading the same for rest, water, and feeding, unless prevented from so unloading by storm or other accidental causes. In estimating

such confinement, the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this Act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated. Animals so unloaded shall be properly fed, watered and sheltered during such rest by the owner or the person having the custody thereof, or in case of his default in so doing, then by the railroad company transporting the same, at the expense of the owner or the person in custody thereof; and the said company shall, in said case, have a lien upon said animals for food, care, and custody furnished, and shall not be liable for any detention of such animals authorized by this Act. Any company, owner, or custodian of such animals, who shall fail to comply with the provisions of this Section, shall, for each and every such offence, be liable for and forfeit and pay a penalty of not less than fifty, nor more than five hundred dollars, to be paid to the State Treasury: *Provided, however,* That when animals shall be carried in cars in which they can and do have proper food, water, space, and opportunity for rest, the foregoing provisions in regard to their being unloaded shall not apply.

SEC. 68. In Section 67 of this Act the word "animal" or "animals" shall be held to include all brute creatures; and the words "owner," "person," and "whoever" shall be held to include corporations as well as individuals; and the knowledge and acts of agents of and persons employed by corporations in regard to animals transported, owned, or employed by or in the custody of such corporations, shall be held to be the acts and knowledge of such corporation.

Regulations for Preventing Accidents.

Sec.	Sec.
69. Formation of trains.	79. Company to construct crossing or station flagman.
70. Train to be stopped before crossing another track.	80. County Commissioners to report to Clerk of Court. Compensation of Commissioners and Civil Engineer.
71. What signals to be given at highway crossings.	81. County Commissioners to keep record.
72. Signboards to be used at crossings—what to contain.	82. Company to provide rooms for passengers.
73. Conductors and other employees on passenger trains to wear badges.	83. Provisions when trains are behind time.
74. Passenger cars to stop at stations.	84. County Commissioners to require signboards to be placed at crossings.
75. County Commissioners to examine crossings—to give notice to officer or agent.	85. Penalty for neglect by County Commissioners.
76. What notice to contain.	86. Corporation to construct and repair bridges and crossings. Highway laid out after road is completed.
77. Stationary flagman to be placed at crossing when required.	(See Section 123.)
78. Company may claim a revision of the action of the Railroad and County Commissioners. Court may appoint Civil Engineer to examine.	

SEC. 69. In forming a passenger train, baggage, or freight, or merchandise, or lumber cars, shall not be placed in rear of passenger cars.

SEC. 70. Whenever any railroad crosses the track of any other railroad, it shall be the duty of the engineer, or person in control of the train, besides giving the signals required to be given near all crossings, to bring the train to a full or complete stop before crossing the said track; the same rule to apply to the running of a locomotive by itself without train.

SEC. 71. A bell of at least thirty pounds weight and a steam whistle shall be placed on each locomotive engine, and such bell shall be rung, or such whistle sounded by the engineer or fireman, at the distance of at least five hundred yards from the place where the railroad crosses any public highway or street, or travelled place, and be kept ringing or whistling until the engine has crossed such highway or street or travelled place; and if such engine or cars shall be at a stand still, within a less distance than one hundred rods of such crossing, such bell shall be rung, or such whistle sounded, for at least thirty seconds before such engine shall be moved; and shall be kept ringing or sounding, until such engine shall have crossed such public highway, or street, or travelled place.

SEC. 72. Every railroad corporation shall cause boards to be placed, well supported by posts or otherwise, and constantly maintained, across each public road or street, where the same is crossed by the railroad on the same level. Said board shall be elevated so as not to obstruct the travel, and to be easily seen by travelers. And on each side of said boards shall be printed in large letters of at least the size of nine inches each, the words, "*Railroad Crossing! Look out for the Car while the bell rings or the whistle sounds.*" But this section shall not apply to streets in cities, towns, and villages, unless the corporation be required to put up such boards by the officers having charge of such streets.

SEC. 73. Every conductor, baggage master, engineer, brakeman, or other servant of any railroad corporation employed on a passenger train, or at stations for passengers, shall wear on his hat or cap a badge which shall indicate his office, and the initial letters of the style of the corporation by which he is employed. No conductor or collector without such badge shall have any authority to meddle or interfere with any passenger, his baggage, or property. And it is the duty of said railroad corporation to see that such badges as aforesaid are worn.

SEC. 74. Every railroad company in this State shall cause all its trains of cars for passengers to entirely stop upon each arrival at a station, advertised by such company as a station for receiving passengers upon such trains, for a time sufficient to receive and let off passengers.

SEC. 75. The County Commissioners of the respective Counties in this State shall, hereafter, at least once in every year, examine all the railroad crossings of the public highways in this State outside of the corporate limits of cities, towns, and villages; and if they find that any of the said crossings, within the right of way of any railroad company, are unsafe as to the lives of persons, or as to the protection of property, they shall forthwith give written notice thereof to any officer or agent of the railroad within said County.

SEC. 76. Said County Commissioners, in said notices, shall point out the location of the crossing considered by them unsafe, and shall indicate how and in what manner such crossing shall be constructed so as to secure safety; and shall have power to require such construction to be made within sixty days.

SEC. 77. The Railroad Commissioner shall have authority, upon the application of the County Commissioners, if he deems it necessary, require any railroad corporation to have a stationary flagman at any crossing, the importance of which may demand it.

SEC. 78. The said Railroad Company, after receiving such notice, and within ten days after such reception, may apply to the Circuit Court of the respective Circuit in which such crossing is situated, or to a Judge thereof if the Court be not in session, and claim a re-examination of the said locality, and a revision of the action of the said Railroad Commissioner, and the said Court or Judge, as the case may be, shall forthwith appoint some civil engineer, not connected with any railroad, to examine into the matter forthwith, and he may either affirm the demand of said Railroad Commissioner, or modify it, and his determination shall be final.

SEC. 79. All Railroad Companies shall, within the time indicated as aforesaid, by the Railroad Commissioner or County Commissioners, as the case may be, or within the time given by the said civil engineer to said corporation upon re-examination, maintain and construct said crossing in the manner demanded of them by said County Commissioners or civil engineer, or station a flagman, if such should be required, at the locality where such has been found necessary, as aforesaid.

SEC. 80. The County Commissioners shall make a report of their yearly examination to the Clerk of the Court of Common Pleas for such County, which is to be laid before the said Court, together with a copy of all notices given by them as aforesaid; and they shall be allowed compensation by the County for any services rendered under this Act, at the same rate per day as is provided for other services rendered by them; and the said civil engineer, appointed as aforesaid, shall also be paid a reasonable compensation for his services by the said County. If the recommendations of such Commissioners are not in whole or in part adopted, then the Railroad Company shall pay the compensation of such engineer.

SEC. 81. The County Commissioners shall keep a record of the duties performed, and copies of notices served under the provisions of this Act, which shall become a part of the records of their office.

SEC. 82. That every Railroad Company owning or operating a railroad in this State shall erect and keep at every office where tickets are sold for travel over its road, two good rooms or apartments of reasonable size for the amount of travel at such office, which shall be furnished with comfortable seats for the accommodation of passengers. Such rooms to be in charge of an employee of such company, and kept open at such hours as to accommodate passengers

travelling over such road on any of its passenger trains; and it shall be the duty of the Railroad Commissioner to enforce the provisions of this Section.

SEC. 83. That whenever any passenger train on any railroad in this State shall be more than one-half or one hour behind its schedule time, it shall be the duty of such Railroad Company to keep posted at every telegraph station along its line the time such train is behind its schedule, and shall change such bulletin every half-hour until such train arrives; stating therein the time which such train is behind and the hour at which it is expected to arrive: *Provided*. That such bulletins shall not be required to be posted at any station until one-half hour before the regular schedule time at which such train is to arrive at the station at which such bulletin is required to be kept.

SEC. 84. It shall be the especial duty of the County Commissioners to see that sign boards, as prescribed in this Act, are at all times properly put up at railroad crossings.

SEC. 85. If any of the County Commissioners neglect or fail to comply with any of the provisions of this Act applicable to County Commissioners, the County Commissioner so offending shall be liable to be indicted for neglect of duty, and on conviction, fined in a sum not less than one hundred dollars nor more than five hundred dollars, and as a part of the judgment his office shall be declared vacant.

SEC. 86. Every railroad corporation shall, at its own expense, construct, and afterwards maintain and keep in repair, all bridges, with their approaches or abutments, which it is authorized or required to construct over or under any turnpike road, canal, highway, or other way; and any city or town may recover of the railroad corporation whose road crosses a highway or townway therein, all damages, charges, and expenses incurred by such city or town by reason of the neglect or refusal of the corporation to erect or keep in repair all structures required or necessary at such crossing; but if, after laying out and making of a railroad, the County Commissioners have authorized a turnpike, highway, or other way, to be laid out across the railroad, all expenses of and incident to constructing and maintaining the turnpike or way at such crossing shall be borne by the turnpike corporation, or the County, city, town, or other owner of the same.

Regulations relating to the Equipment of Cars and Trains.

Sec.	Sec.
87. Brakes to be attached to cars.	89. Lighting cars. Stoves to be fastened in place.
88. Trains to be equipped with tools.	

SEC. 87. Every railroad corporation shall cause a good and sufficient brake to be attached to every car used upon its railroad for the transportation of passengers, and to every car used for the transportation of freight, except four-wheeled freight cars used only for that purpose; and shall cause to be stationed on every passenger train trusty and skilful brakemen, equal in number at least

to one for every two cars in the train, except on passenger trains, where power brakes are used, and one such brakeman upon the last car of every freight train, which must always be equipped with a good and sufficient brake.

SEC. 88. Every railroad corporation shall equip each of its trains, for use in case of accident, with such tools and appliances as the Railroad Commissioner may direct.

SEC. 89. No passenger cars on any railroads shall be lighted by naphtha, or by any illuminating oil or fluid, made in part of naphtha, or wholly or in part from coal or petroleum, or other substance or material which will ignite at a temperature of less than three hundred degrees Fahrenheit. And all stoves shall be securely fastened to their places. Any railroad corporation which violates the provisions of this Section shall forfeit a sum not exceeding five hundred dollars.

Accommodation for Passengers.

Sec.	Sec.
90. Corporation to provide for the convenience and safety of passengers.	91. Checks to be given for baggage in good shipping order, on request.

SEC. 90. Every railroad corporation shall furnish reasonable accommodations for the convenience and safety of passengers; and for every wilful neglect to provide the same, shall forfeit not less than five nor more than twenty dollars, to be recovered in an action against such corporation.

SEC. 91. Every railroad corporation, when requested, shall give checks to passengers for their baggage when delivered for transportation in good shipping order, and shall re-deliver the same to the passengers upon the surrender of their checks. Any corporation which wilfully refuses to comply with the provisions of this Section shall forfeit ten dollars for each offence.

Explosive Compounds.

Sec.	Sec.
92. Above certain amounts prohibited on passenger trains, etc. To be marked.	95. Trial Justice to issue search warrant on complaint.
Commissioner to make rules for transportation of explosive compounds.	96. Forfeited when seized.
93. Precautions by persons delivering explosive compounds for transportation.	97. Persons injured by explosion, may recover damages.
94. Penalty.	98. Meaning of "explosive compound."

SEC. 92. No railroad corporation, or other association, co-partnership, persons or person, engaged in the transportation of passengers within this State, shall knowingly transport within the territorial limits of this State, or transport into such limits for sale, storage, or use therein, any explosive compound in quantities exceeding the amounts hereinafter provided for, in any vehicle containing passengers, or in any vehicle attached to any railroad train or vehicle conveying passengers; nor in any case unless the said explosive compounds be plainly and legibly marked with the names of such compounds, and the words

“explosive—dangerous.” It shall be the duty of the Railroad Commissioner, from time to time, to make rules fixing the maximum amounts of various explosive compounds which may be so carried in any public vehicle, or in a railroad train containing passengers, or in a vehicle attached to such train. The said rules shall also define the method of packing such compounds to ensure the greatest safety, and shall prescribe how the same shall be carried as freight on railroads, steamboats, and by common carriers.

SEC. 93. No person shall deliver for transportation to any railroad corporation, street railway company, or other association, co-partnership, persons or person, engaged in the transportation of passengers within this State, or take or place upon or in any car, boat, or other vehicle of any such corporation, company, association, co-partnership, or person, with intent that the same shall be carried or transported on such car, boat, or other vehicle, any explosive compound mentioned in this Act, unless the same is packed and marked as herein provided, and notice of the dangerous nature thereof is expressly given to the agent, servant, or person, to whom it is delivered, or to the agent, servant, or person, having at the time the management and control of the car, boat, or other vehicle in or upon which the same is to be carried or transported. And any common carrier may decline to receive to transport any such explosive compound in any manner whatever.

SEC. 94. Whoever knowingly violates or knowingly causes or permits the violation of any provision of the two preceding Sections (§§ 92-93), or knowingly transports, or causes or permits the transportation of any explosive compound, in any manner other than in conformity with the rules made by the Railroad Commissioner, shall be punished by a fine of not less than fifty nor more than five thousand dollars, or by imprisonment in the State prison, not exceeding five years.

SEC. 95. Upon complaint made under oath to a Trial Justice, that the complainant has probable cause to believe, and does believe, that an explosive compound is had, kept, or to be found, in any city, town, or other place within the jurisdiction of such Justice, by any railroad corporation, contrary to law, a warrant may issue, directed to the Sheriff of the County, or his Deputy, or to any Constable of such city or town, commanding him to enter any building, vehicle, ship, or other vessel specified in the warrant, and there make diligent search for and seize such explosive compound, and to make return of his doings to said Justice forthwith.

SEC. 96. Any explosive compound had, kept, or transported contrary to the provisions of this Act, and seized under the preceding Section, may be adjudged forfeit, after due notice and hearing, and may be ordered to be destroyed in such manner as the Court or Magistrate may direct.

SEC. 97. Any person who may suffer injury by the explosion of any explosive compound while the same is being kept or transported contrary to the provisions of this Act, or the ordinances, rules, or by-laws made in conformity

to it, may recover damages for the injury thus sustained, in an action against the parties so violating the provisions of this Act, or the ordinances, rules, or by-laws made in conformity herewith.

SEC. 98 By the words "explosive compound," as used in this Act, shall be understood either gun-cotton, nitro-glycerine, or any other compound of the same; any fulminate, or generally any substance intended to be used by exploding or igniting the same, to produce a force to propel missiles or to rend apart substance, except gunpowder.

Damages by Fire. Insurance.

SEC. 99. Every railroad corporation shall be responsible in damages to any person or corporation whose buildings or other property may be injured by fire communicated by its locomotive engines, or originating within the limits of the right of way of said road in consequence of the act of any of its authorized agents or employees, except in any case where property shall have been placed on the right of way of such corporation unlawfully or without its consent, and shall have an insurable interest in the property upon its route for which it may be so held responsible, and may procure insurance thereon in its own behalf.

Opening New Roads.

SEC. 100. No railroad, branch, or extension of a railroad, shall hereafter be opened for public use until the Railroad Commissioner, after an examination, certify that all laws relating to the construction thereof have been complied with, and that the road appears to be in a safe condition for operation, unless the said Commissioner shall, after the ten days' written notice to him by the said railroad company of such proposed opening, fail to make such examination and certificate.

Accommodations regarding Merchandise.

Sec.	Sec.
101. Receipt for freight to be given when requested at time of delivery. Liability of corporation for loss of or damage to freight.	102. Freight to be forwarded according to directions.

SEC. 101. Whenever any person delivers to a railroad corporation for transportation any commodity not extra hazardous in its character, such corporation shall give to the shipper thereof, if requested at the time of the delivery of such commodity, a receipt for the same, describing such commodity, or the marks and numbers on packages so received for transportation, and no additional charge shall be made for giving such receipt. Any railroad corporation which refuses to give such receipt shall pay to the person entitled to the same the sum of fifty dollars, to be recovered in an action in any Court of competent jurisdiction. In case of the loss of, or damage to, any article, or articles, de-

livered to any railroad corporation for transportation over its own and connecting roads, the initial corporation, or corporation first receiving the same, shall, in every case, be liable for such loss or damage, but may discharge itself from such liability by the production of a receipt, in writing, for the said article, or articles, from the corporation to whom it was its duty to deliver such article, or articles, in the regular course of transportation. In which event the said connecting road, or roads, shall be severally so liable, but may in succession, and in like manner, discharge itself, or themselves, therefrom: *Provided, however,* That if either, or any, of the said railroad corporations, shall wilfully fail or refuse, upon reasonable demand being made to it by any party interested in the production of such receipt, to produce the same, then it shall not be entitled to claim the benefit of such exemption in any action against the said railroad corporation to render it liable for such loss or damage.

SEC. 102. Every railroad corporation shall promptly forward merchandise consigned or directed to be sent over another road connecting with its road, according to the directions contained thereon or accompanying the same, and shall not receive and forward over its road any merchandise consigned, ordered, or expressly directed to be received and forwarded by a different route.

Offences, and Penalties Therefor.

Sec.	Sec.
103. Loitering in station houses, &c.	109. Penalty for obstructing passage of engine or cars.
104. Conductors and agents conservators of the peace.	110. Penalty for breaking, entering, or firing, into cars.
105. Penalty for refusing to pay fare.	111. Penalty for injuring electric signals.
106. Penalty for injuring railroad property.	112. Engines and cars not to be attached within forty-eight hours of time of departure, unless, &c.
107. Penalty for endangering life.	
108. Penalty for placing obstructions on track.	

SEC. 103. Whoever, without right, loiters or remains within any station house of a railroad corporation, or upon the platform or grounds adjacent to such station, after being requested to leave the same by any railroad officer, shall forfeit a sum not less than two nor more than twenty dollars.

SEC. 104. Conductors of railroad trains, and station or depot agents, are hereby declared to be conservators of the peace, and they, and each of them, shall have the same power to make arrests that Constables now have, except that the conductors shall only have such power on board their respective trains, and the agents at their respective places of business; and the said conductors and agents may cause any person or persons so arrested by them to be detained and delivered to the proper authorities for trial as soon as practicable.

SEC. 105. Whoever fraudulently evades or attempts to evade the payment of any toll or fare lawfully established by a railroad corporation, either by giving a false answer to the collector of the toll or fare, or by travelling beyond the point to which he has paid the same, or by leaving the train without having paid the toll or fare established for the distance travelled, or otherwise, shall

forfeit a sum not less than five nor more than twenty dollars. Whoever does not upon demand first pay such toll or fare shall not be entitled to be transported for any distance.

SEC. 106. Whoever wilfully and maliciously injures in any way any railroad or any thing appertaining thereto, or any materials or implements for the construction or use thereof, or aids or abets in such trespass, shall forfeit to the use of the corporation for each offence treble the amount of damages proved to have been sustained thereby, to be recovered in an action of tort in the name of the corporation; and may further be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year.

SEC. 107. Whoever commits any of the acts mentioned in the preceding Section [Section 106], in such manner as thereby to endanger life, shall be punished as provided in said Section, or by imprisonment in the Penitentiary not exceeding twenty years.

SEC. 108. If any person or persons shall by himself or others place, or cause to be placed, on the track or other part of the passage way of any railroads on which steam engines or hand cars are used, any timber, stone, or other obstruction, with intent to injure or impede the passage of any cars or means of conveyance, or shall in any other manner obstruct any engine or car passing upon such railroad, or endangers the safety of persons conveyed in or upon the same, or aids or assists therein, such person or persons shall be deemed guilty of felony, and on being thereof convicted by due course of law, shall be punished by imprisonment in the Penitentiary for not exceeding thirty years, and fined in the discretion of the Court, except where the death of some human being results from such impediment, and in that case the offender shall be adjudged guilty of murder and shall suffer death: *Provided*. That nothing herein shall in any manner take away any right of action for damages for injuries to the person or property of any person or body corporate caused by any injury, obstruction, or damage done to any railroad or its buildings, tracks, or constructions.

SEC. 109. Whoever wilfully does or causes to be done anything with intent to obstruct any engine or carriage passing upon a railroad, or with intent to endanger the safety of persons conveyed in or upon the same, or aids or assists therein, shall be punished by imprisonment in the State Penitentiary not more than five years, or by fine not exceeding five hundred dollars and imprisonment in the County jail not more than one year, and shall forfeit to the use of the corporation for each offence treble the amount of damages proved to have been sustained thereby, to be recovered in an action in any Court of competent jurisdiction.

SEC. 110. Whoever breaks and enters, in the night-time, any railroad car, or enters in the night-time without breaking, or breaks and enters in the day-time, or shoots with any fire-arm into any railroad car, with intent to commit the crime of larceny or any other crime, shall, in addition to any other punish-

ment now prescribed by law for such offence, be punished by imprisonment in the State Penitentiary not exceeding ten years, or by a fine not exceeding five hundred dollars.

SEC. 111. Whoever unlawfully and intentionally injures, molests, or destroys, any of the electric signals of a railroad corporation, or any of the lines, wires, posts, or any other structure or mechanism used in connection with such signals on any railroad, or destroys, or in any way interferes with, the proper working of such signals, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or both.

SEC. 112. Whenever railroad cars and engines are in use on railroads and making regular passages thereon, they shall not be attached upon mesne process in any suit within forty-eight hours previous to their fixed time of departure, unless the officer making such attachment shall have first demanded of the owners or managers of such engines or cars, or any of the agents of such railroad, other property equal in value to the *ad damnum* in the writ upon which to make such attachment, and such owners or managers shall have refused or neglected to comply with said demand. And any officer making such attachment shall, on his return upon the process upon which it is made, certify that he has made such demand for such other property, and that such demand has been refused or neglected; otherwise such attachment shall be wholly void.

Accidents, and Responsibility Therefor.

Sec.
113. Notice of accident to be given to Railroad Commissioner within twenty-four hours, and also to physician.
114. Penalty for injury from carelessness or neglect of any agent or officer of corporation.

Sec.
115. Penalty for gross carelessness or neglect of conductor of passenger train.
116. Date of lien of judgment in action for injury. Action to commence within twelve months.
117. Penalty for injury by collision at crossing.

SEC. 113. Every railroad corporation shall cause immediate notice of any accident which may occur on its road, attended with injury to any person, to be given to a physician most accessible to the place of accident, and shall also give notice within twenty-four hours to the Railroad Commissioner of any such accident, or of any accident falling within a description of accidents of which said Commissioner may by general regulation require notice to be given. For each omission to give such notice the corporation shall forfeit a sum not exceeding one hundred dollars.

SEC. 114. When an engineman, fireman, or other agent or officer of a railroad corporation, is guilty of negligence or carelessness whereby an injury is done to any person or corporation, he shall be punished by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars.

SEC. 115. Whoever, having management of, or control over, a railroad train while being used for the common carriage of persons, is guilty of gross care-

lessness or neglect in or in relation to the management or control thereof, shall forfeit a sum not exceeding five thousand dollars, or be imprisoned not more than three years.

SEC. 116. Whenever a cause of action shall arise against any railroad corporation, for personal injury, or injury to property, sustained by any person or persons, and such cause of action shall be prosecuted to judgment by person or persons injured, or his or their legal representatives, said judgment shall relate back to the date when the cause of action arose, and shall be a lien as of that date, of equal force and effect with the lien of employees for wages, upon the income, property, and franchises of said corporation, enforceable in any Court of competent jurisdiction, by attachment or levy and sale under execution, and shall take precedence and priority of payment of any mortgage, deed of trust, or other security given to secure the payment of bonds made by said railroad company: *Provided*, Any action brought under this Section shall be commenced within twelve months from the time that said injury shall have been sustained.

SEC. 117. If a person is injured in his person or property by collision with the engines or cars of a railroad corporation at a crossing, and it appears that the corporation neglected to give the signals required by this Act, and that such neglect contributed to the injury, the corporation shall be liable for all damages caused by the collision, or to a fine recoverable by indictment, as provided in the preceding Section, unless it is shown that, in addition to a mere want of ordinary care, the person injured, or the person having charge of his person or property, was, at the time of the collision, guilty of gross or wilful negligence, or was acting in violation of the law; and that such gross or wilful negligence or unlawful act contributed to the injury.

Crossings of one Railroad with another, or over Navigable Waters.

SEC. 118. No railroad shall be constructed to cross another railroad at the same level therewith, or across navigable or tide waters, without the consent in writing of the Railroad Commissioner, and in such manner as he shall prescribe. It shall be unlawful for any corporation proceeding to construct a branch or extension, or otherwise to take any proceedings contemplating a new crossing of one railroad with another, at the same level therewith, unless such crossing shall first have been approved in writing by the Railroad Commissioner; and the preliminary approval of any plan for such crossing shall always be made subject to revision by the Commissioner. And the Court of Common Pleas shall have full equity jurisdiction, on information filed by the Attorney General, in case of any violation of the provisions of this Section.

*Crossing of Railroads with Highways and other Ways—Crossing
Over or Under.*

SEC. 119. When a railroad is laid out across a highway or other way, it shall be constructed so as not to obstruct the same.

SEC. 120. A railroad corporation may raise or lower any highway or other way for the purpose of having its road pass over or under the same; but before, proceeding to cross, alter, or excavate for the purpose of crossing the way, it shall obtain from the County Commissioners a decree prescribing what alterations may be made in the way, and the manner and time of making the alterations or structures the Commissioners may require at the crossing; and before entering upon, excavating, or altering the way, shall give security satisfactory to the Commissioners of the County in which the crossing is situated that it will faithfully comply with the requirements of the decree to the acceptance of the Commissioners, and indemnify the city or town from all damages and charges by reason of any failure so to do: *Provided*, That where such highway or other way shall be within the corporate limits of any city, town, or village, such permission shall be obtained from, and security be given to the proper municipal authorities thereof, instead of from and to the said County Commissioners.

Alteration to Facilitate or Avoid Crossing.

SEC. 121. A railroad corporation may alter the course of a highway or other way other than a street in any incorporated city, town, or village, for the purpose of facilitating the crossing of the same by its road, or permitting its road to pass at the side thereof without crossing, upon obtaining a decree of the County Commissioners prescribing the manner and time of such alteration. The corporation shall pay all damages occasioned to private property by the alteration, as in case of land taken for its road.

Crossing at a Level.

SEC. 122. A railroad corporation whose road is crossed by a highway or other way on a level therewith, shall, at its own expense, so guard or protect its rails by plank, timber, or otherwise, as to secure a safe and easy passage across its road; and if, in the opinion of the County Commissioners, or if such highway or other way be within the corporate limits of any city, town, or village, then of the proper municipal authorities thereof, any subsequent alteration of the highway or other way, or any additional safeguards, are required at the crossing, they may order the corporation to establish the same.

Highways, &c., laid out over Railroads previously Constructed.

SEC. 123. A highway or town way may be laid out across a railroad previously constructed, when the County Commissioners adjudge that the public

convenience and necessity require the same; and in such case, after due notice to the railroad corporation, and hearing all parties interested, they may thus lay out a highway across a railroad, or may authorize a city or town, on petition of the Mayor and Aldermen thereof, to lay out a way across a railroad, in such manner as not to injure or obstruct the railroad.

(See Section 86.)

Of Cattle Guards.

SEC. 124. The several railroad companies whose line of road lies wholly or partly in this State are hereby required to construct and keep in repair an adequate stock-guard or cattle-gap at every point where the line of said railroad of any such company crosses or may hereafter cross the line of any fence in this State.

SEC. 125. For every violation of Section 124 of this Act, the railroad company so violating it shall pay to the owner or owners of the fence upon the line of which such stock-guard or cattle-gap should have been constructed and kept in repair, the sum of one hundred dollars, to be recovered by action in the Court of Common Pleas for the County in which such stock-guard or cattle-gap should have been constructed and kept in repair.

Offences by Employees of Railroads.

SEC. 126. Any engineer, conductor, or other agent or employee of any railroad company in this State, who shall wilfully neglect to observe or shall wilfully violate any rule or regulation of the company to which such engineer or conductor may belong, whereby any person or persons shall sustain, or be in danger of sustaining, any bodily injury, such engineer, conductor, or other agent or employee, shall be liable to be indicted for every such offence, and upon conviction thereof, be fined two hundred dollars and imprisoned not exceeding one year, at the discretion of the Judge before whom such case may be tried: *Provided, however,* That nothing herein contained shall be so construed as to relieve such engineer or conductor from responsibility in cases where the life of any person is destroyed, under the law as it now exists.

Penalties.

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| 127. For damage resulting from violation of provisions of Act. Affirmative relief. Injunction. Officers compelled to testify. Action to be brought within two years. Judgment, against whom. | 129. Limitation of Act in favor of United States, any State and certain articles.
130. Fines or forfeitures, how collected.
131. Meaning of "person or persons."
132. Rules of evidence.
133. Rights not waived.
134. Penalty for repeated violation of Act. |
| 128. Penalty for violation of Act by director, &c. | |

SEC. 127. Each and every act, matter, or thing in this Act declared to be unlawful, is hereby prohibited; and in case any person or persons, as defined in

this Act, engaged as aforesaid, shall do, suffer, or permit to be done, any act, matter, or thing in this Act prohibited or forbidden, or shall omit to do any act, matter, or thing in this Act required to be done, or shall be guilty of any violation of the provisions of this Act, such person or persons shall, where no specific penalty is hereinbefore already provided for such violation, forfeit and pay to the person or persons who may sustain damage thereby, a sum equal to three times the amount of the damages so sustained, to be recovered by the person or persons so damaged, by suit in any Circuit Court in this State, where the person or persons causing such damage can be found, or may have an agent, office, or place of business: (*Provided, however, That in any such case of recovery the damage shall not be assessed at a less sum than one hundred dollars;*) and the person or persons so offending shall for each offence forfeit and pay a penalty of not less than two hundred dollars, to be recovered by the State, by action in any Circuit Court aforesaid, to be brought by the Attorney General upon the request of the Railroad Commissioner. Any action to be brought as aforesaid to recover any such penalty or damages may be considered, and, if so brought, shall be regarded, as a subject of equity jurisdiction and discovery, and affirmative relief may be sought and obtained therein. In any such action so brought as a case of equitable cognizance, preliminary or final injunctions may, without allegation or proof of damage to any plaintiff or complainant, be granted upon proper application, restraining, forbidding, and prohibiting the commission or continuance of any acts, matters, or thing, within the terms or purview of this Act prohibited or forbidden. In any action aforesaid, and upon any application for any injunction above provided for, any director, officer, receiver, or trustee of any corporation or company aforesaid, or any receiver, trustee, or person aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of any of them alone or with any other person or persons, party, or parties, may and shall be compelled to attend, appear, and testify and give evidence; and no claim that any such testimony or evidence might or might not tend to criminate the person testifying or giving evidence shall be of any avail; but such evidence or testimony shall not be used as against such person on the trial of any indictment against him. The attendance and appearance of any of the persons who, as aforesaid, may be compelled to appear or testify, and the giving of the testimony or evidence by the same, respectively, and the production of books and papers thereby, may and shall be compelled, the same as in the case of any other witness; and in case any such deposition or evidence, or the production of any books or papers, may be desired or required for the purpose of applying for or sustaining any injunction aforesaid, the same, and the production of books and papers, may and shall be had, taken, and compelled, by or before the Clerk of the Court in which such action is pending, or in any manner provided or to be provided for, as to the taking of other depositions or evidence, or the attendance of witnesses, or the production of other books or papers, in or by the laws of this

State. No action aforesaid shall be sustained unless brought within two years after the cause of action shall accrue. And any judgment, under the provisions of this Act, shall be rendered against the person or persons violating its provisions and against the corporation or corporations in whose service or under whose authority they perform such unlawful acts.

SEC. 128. Any director or officer of any corporation or company acting or engaged as aforesaid, or any receiver or trustee, lessee, or person acting or engaged as aforesaid, or any agent of any such corporation or company, receiver, trustee, or person aforesaid, or of one of them alone, or with any other corporation, company, person, or party, who shall directly or indirectly do, or cause or willingly suffer or permit to be done, any act, matter, or thing in this Act prohibited or forbidden; or directly or indirectly aid or abet therein, or shall directly or indirectly omit or fail to do any act, matter, or thing in this Act required to be done, or cause or willingly suffer or permit any act, matter, or thing so directed or required to be done not to be so done, or shall directly or indirectly aid or abet any such omission or failure, or shall directly or indirectly be guilty of any infraction of this Act, or directly or indirectly aid or abet therein, shall, unless otherwise hereinbefore specially provided, be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than two hundred dollars.

SEC. 129. Nothing in this Act shall apply to the carriage, receiving, storing, handling, or forwarding of property, carried for the United States or any State thereof at lower rates of freight and charges than for the general public, or to the transportation of articles free, or at reduced rates of freight for charitable purposes, or to or from public fairs and expositions for exhibition.

SEC. 130. In the case of all fines or forfeitures, provided for or prescribed in this Act, such fines or forfeitures shall be collected by an action to be brought in the name of the State against the offending person or corporation in any Court of competent jurisdiction, by the Attorney General of this State, or the Solicitor of the Circuit in which the offence is in whole or in part committed. And upon recovery in such action, the Attorney General or the Solicitor, as the case may be, conducting such proceedings, shall be entitled to a compensation of ten per cent. of the amount so recovered and actually collected, and the balance shall go to the State.

SEC. 131. The words "person or persons," as used in this Act, except where otherwise provided, shall be construed and held to mean person or persons, officer or officers, corporation or corporations, company or companies, receiver or receivers, trustee or trustees, lessee or lessees, agent or agents, or other person or persons acting or engaged in any of the matters and things mentioned in this Act.

SEC. 132. In all cases under the provisions of this Act, the rules of evidence shall be the same as in civil actions, except as hereinbefore otherwise provided.

SEC. 133. This Act shall not be so construed as to waive or affect the right of any person injured by the violation of any law in regard to railroad corporations from prosecuting or proceeding for his private damages in any manner allowed by law. But the remedies hereby given the persons injured, shall be regarded as cumulative to any and all the remedies now given by or existing at law against railroad corporations.

SEC. 134. Whenever any of the railroad corporations of this State have repeatedly and wilfully violated any of the provisions of this Act, and have been found guilty, or judgment had against them within this State of such violation, more than once, or penalties have been recovered in penal actions for such violations more than once, the Commissioner may, if he think it consistent with the public interest, instruct the Attorney General to proceed against such corporation, in any Court of competent jurisdiction, by an information in the nature of a *quo warranto*, alleging such conviction or recoveries as cause of forfeiture of their respective charters or incorporations, and upon proof of the same, there shall be judgment of ouster and final execution as in other cases of proceedings by *quo warranto*.

Repealing Clause.

Sec.
135. What Acts are repealed.
136. Effect of repeal.

Sec.
137. When Act to take effect.

SEC. 135. The Acts and parts of Acts named in the following schedule are hereby repealed :

SCHEDULE.

GENERAL STATUTES.

CHAPTER LXV. PAGE 366—OF RAILROAD CORPORATIONS.

Sections 17 and 18, Chapter CXXVIII., of Title I.. Part 4.

Acts of the year 1876, page 160.....	{	“An Act to enable the purchasers of Railroads to form corporations, and to exercise corporate powers, and to define their rights, powers, and privileges.”
--------------------------------------	---	--

Acts of the Year One Thousand Eight Hundred and Seventy-Eight.

16 Statutes at Large, page 492.....	{	Sec. 3 of “Act for the prevention of cruelty to animals.”
17 Stats. at Large, pages 784 and 785,	{	“An Act to prevent unjust discrimination by common carriers.”

17 Stats. at Large, pages 789 to 792, { "An Act to create a Railroad Comm'r
for the State of South Carolina."

Acts of the Year One Thousand Eight Hundred and Seventy-Nine.

Acts of Assembly, 1879, pages 24
and 25..... { "An Act to require Railroads to fur-
nish consignees an itemized state-
ment of freight charges, and re-
quiring them to settle according to
the bill of lading."

Acts of Assembly, 1879, page 42..... { "An Act to prohibit the running of
freight trains and to regulate the
running of passenger and mail trains
on Sunday."

Acts of Assembly, 1879, page 101... { "An Act to amend Part 4, Title I.,
Chapter 128, and Section 18, of
the Revised Statutes, relating to
obstructing Railroads."

Acts of Assembly, 1879, page 196.... { "An Act to regulate the Classification
of Cotton in Bales by Railroads and
other Common Carriers in this
State."

Acts of the Year One Thousand Eight Hundred and Eighty.

Acts of Assembly, 1880, page 328,... { "An Act to require all Railroad Com-
panies in this State to construct and
keep in repair an adequate Stock
Guard or Cattle Gap at every point
where the line of Railroad of any
such Company crosses the line of
any fence in this State."

Acts of Assembly, 1880, page 416,... { "An Act to require the Railroad Com-
panies chartered by this State to
close their Yearly Accounts on the
30th day of June, and to make
their Annual Returns to the Rail-
road Commissioner on or before the
31st day of August of each Year."

SEC. 136. The repeal of certain Sections of the General Statutes and of cer-
tain Acts, as provided in the preceding Section hereof, shall not revive any law

heretofore repealed or superseded, nor any office heretofore abolished; it shall not affect any act done, or any right accruing, accrued, or established, or any proceedings, doings, or acts ratified or confirmed, or any suit or proceeding had or commenced before the repeal takes effect, but the proceedings therein shall, when necessary, conform to the provisions of this Act; it shall not affect any penalty or forfeiture incurred before it takes effect, under any of the laws repealed, except that where a punishment, penalty, or forfeiture is mitigated by the provisions of this Act, such provisions may be extended and applied to any judgment pronounced after said repeal; it shall not affect any suit or prosecution pending at the time of the repeal for an offence committed, or for the recovery of a penalty or forfeiture incurred under any of the Acts repealed, except that the proceedings therein shall, when necessary, conform to the provisions of this Act; and when a limitation or period of time prescribed in any of the Acts repealed, for acquiring a right or barring a remedy, or any other purpose, has begun to run, and the same or similar limitation is prescribed in this Act, the time of limitation shall continue to run, and shall have like effect as if the whole period had begun and ended under the operation of this Act. The provisions of this Act, so far as they are the same as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments, and references in laws not repealed to provisions of laws incorporated into this Act and repealed, shall be construed as applying to the same provisions so incorporated.

SEC. 137. This Act shall take effect on the first day of February, in the year one thousand eight hundred and eighty-two.

Approved the 9th day of February, A. D. 1882.



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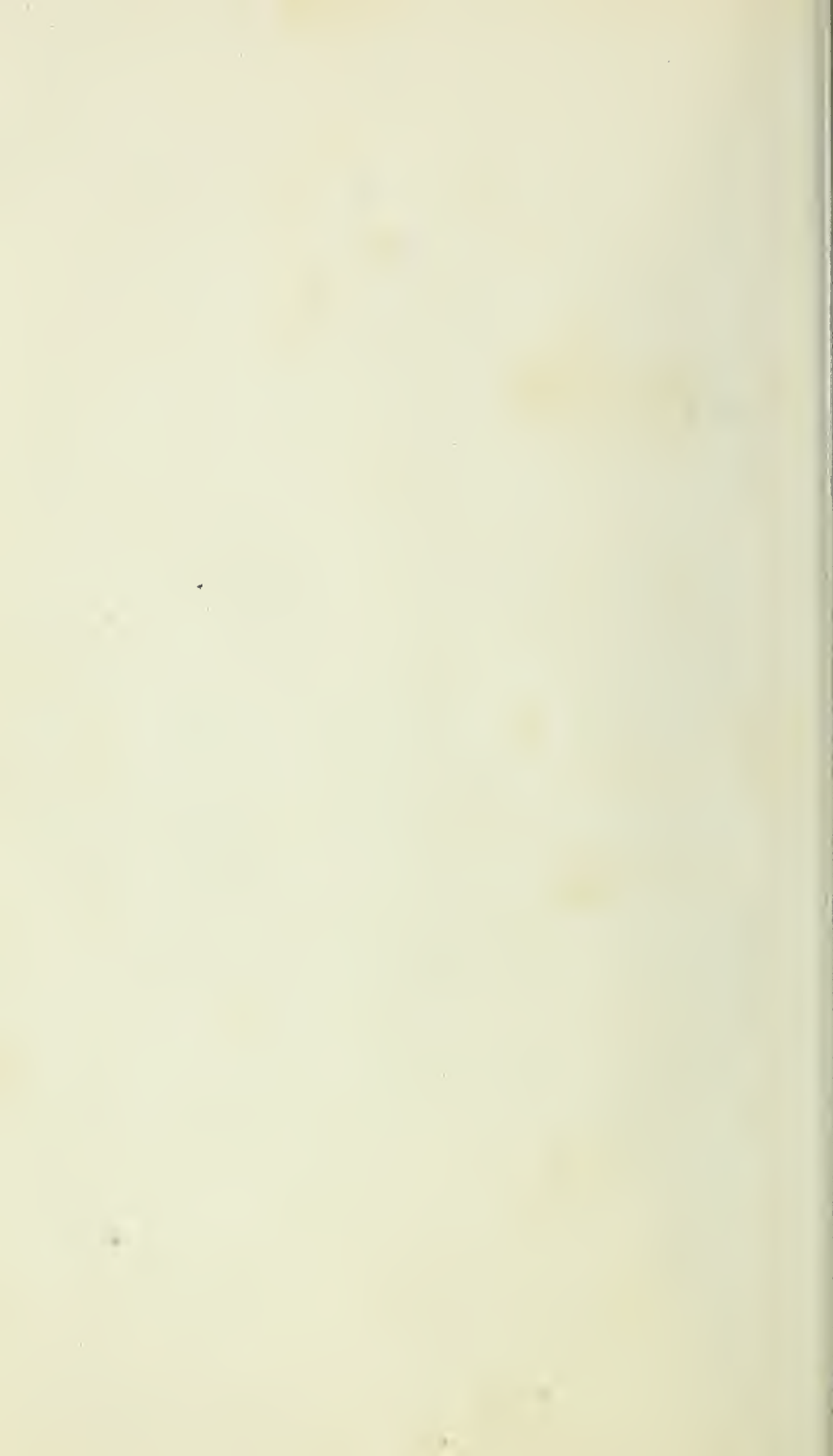
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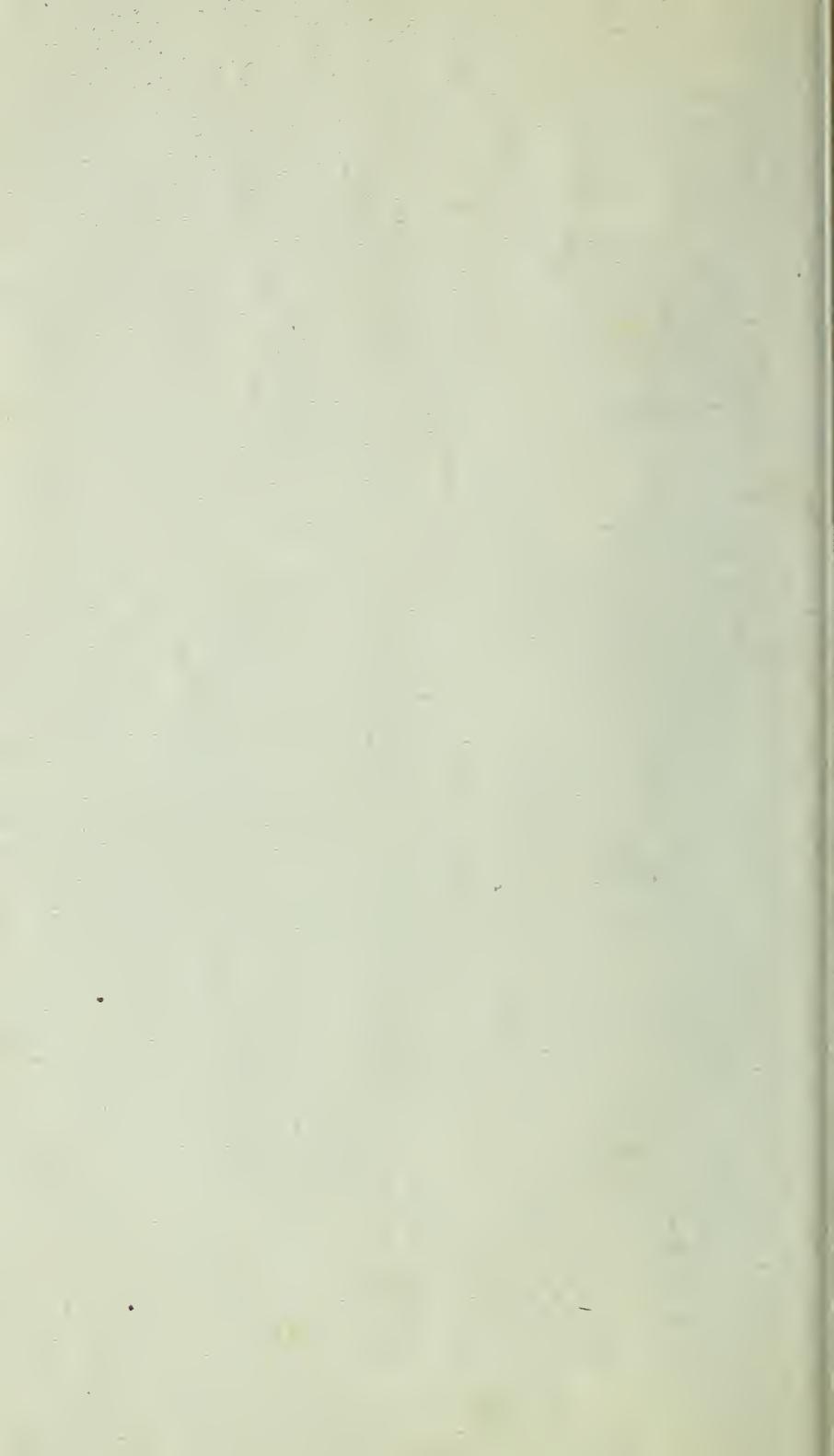


REPORT
OF THE
JOINT COMMITTEE ON RAILROADS
ON
CHARTERS AND GENERAL RAILROAD LAWS
TO THE
GENERAL ASSEMBLY.

1881.

COLUMBIA, S. C.
JAMES WOODROW, STATE PRINTER.

1881.



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ON

SC. Laws, &c.

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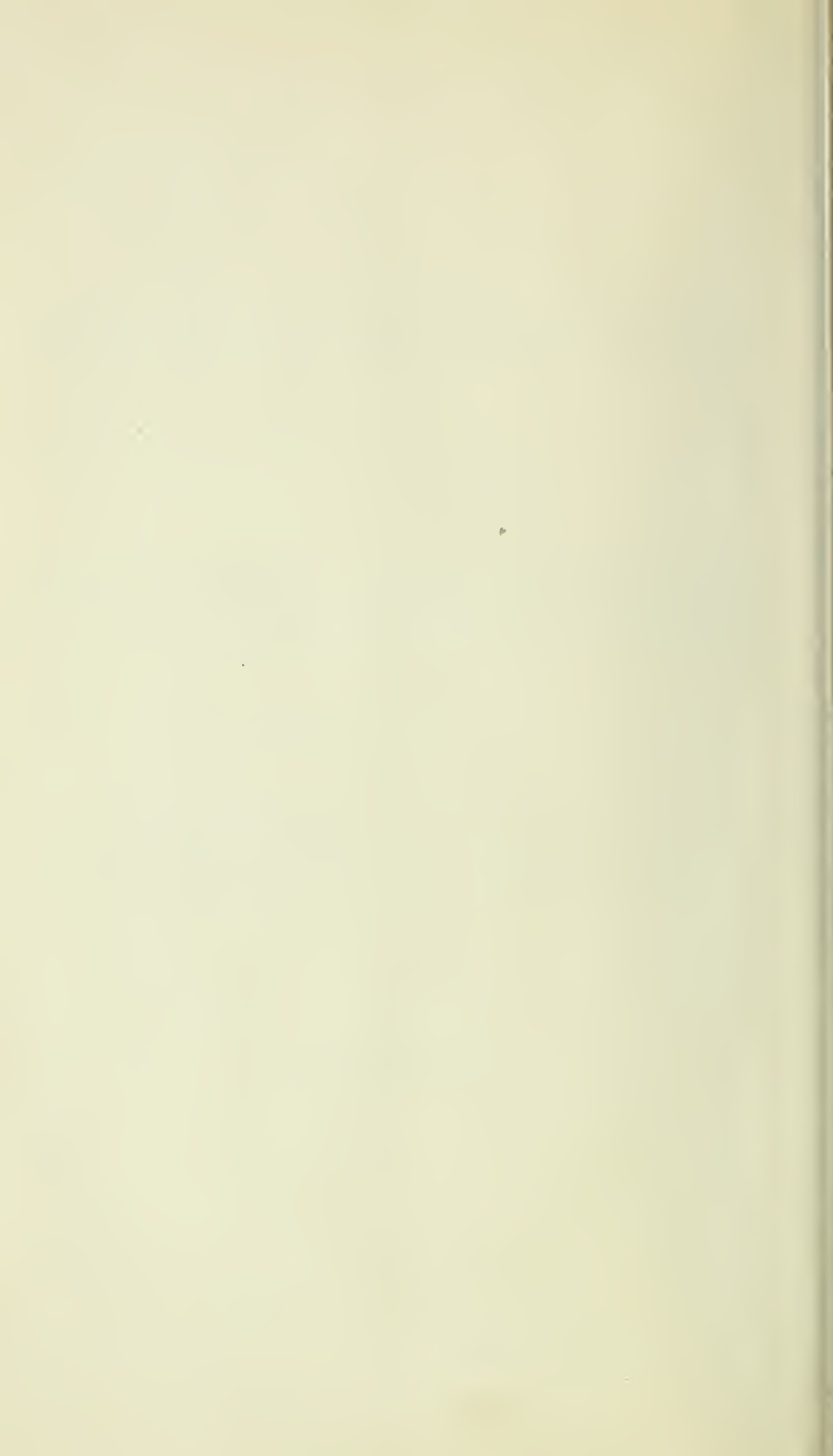
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REPORT OF JOINT COMMITTEE ON RAILROADS.

To the Honorable the Senate and House of Representatives of the State of South Carolina :

GENTLEMEN: The Joint Committee appointed to examine and report upon the subject of Railroads in the State and their respective charters, beg leave to

REPORT,

That it has prepared a separate report upon the charter of each railroad in the State, which are herewith submitted, but inasmuch as these Reports will, in the opinion of the Committee, be found unwieldy, it submits as its report, the adoption of which it recommends the Bill herewith, and an abstract of all charters and general railroad laws.

The Committee was directed to report what railroad companies, if any, are exempt from Legislative control.

After examination, your Committee reports that the Cheraw and Darlington Railroad Company is so exempt. Others claim the same exemption; and as this question as well as that of violations of charter are matters which can only be decided in the Courts, your Committee has not thought it should express an opinion on the question, which would be but the expression of individuals and of no authority.

All of which is respectfully submitted,

A. T. SMYTHE,

H. A. GAILLARD,

On Part of Senate.

J. C. HASKELL,

JAMES SIMONS,

H. A. NEWTON,

On Part of House.

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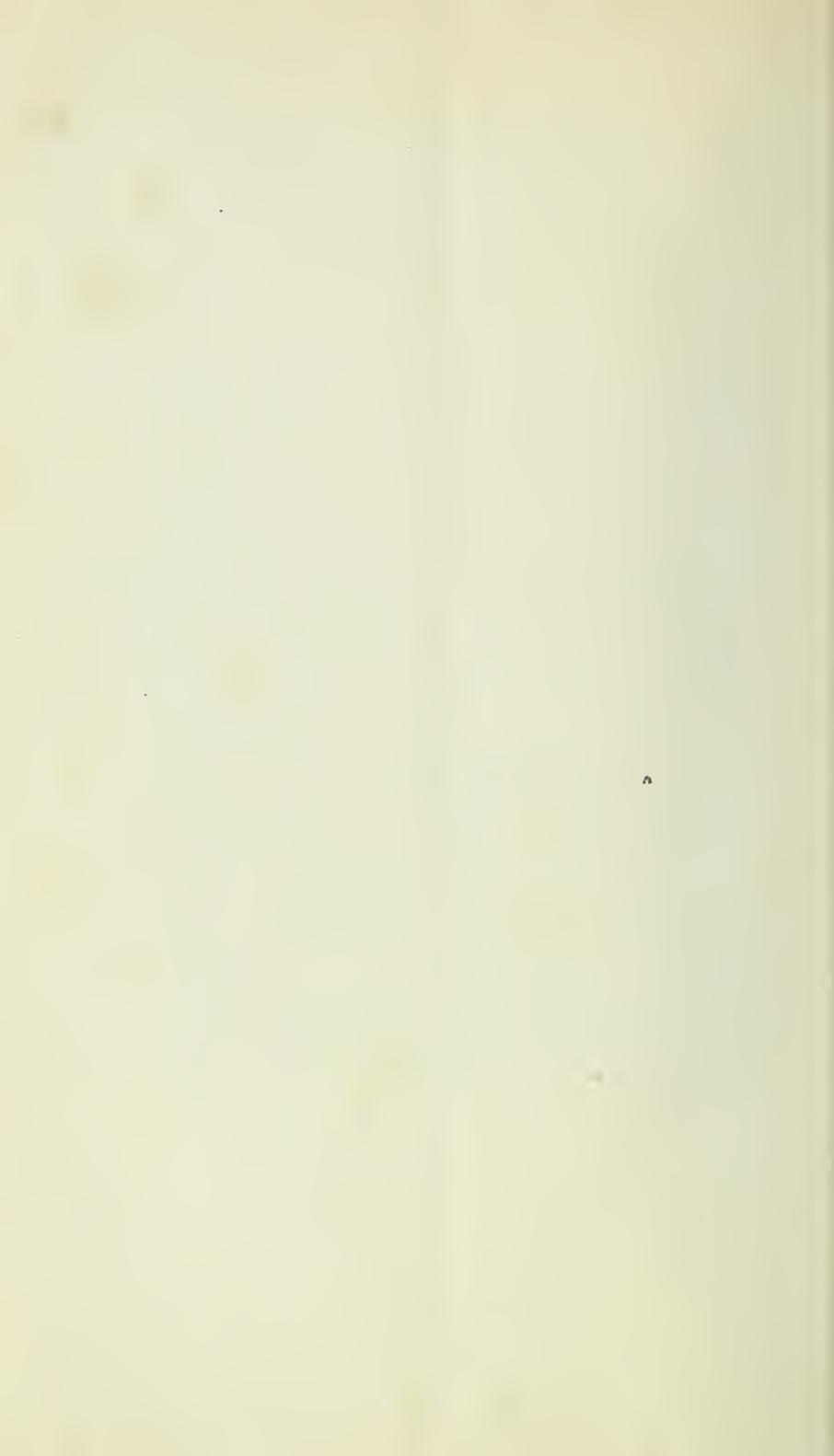
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Create preferred stock.....	12	710
(See Wilmington and Carolina Railroad Co.)				
Winyah Bay and Santee Railroad Co.—				
Incorporated.....	1873	No limit.	15	431
To run from Georgetown to Santee River.....	.....	.....	15	432
Invested with powers conferred on North- eastern Railroad.....	.....	.....	15	432
Yemassee and Millen Railroad Co.—Char- tered.....	1871	1892	14	670
Shall have same rights conferred on Sa- vannah and Charleston Railroad Co.....	.....	.....	14	671
Act to amend Act to charter.....	1872	.....	15	70
Time to complete the work extended.....	.....	.....	15	70

LIST OF ACTS RELATING TO RAILROADS GENERALLY.

	Date of Acts.	Vol.	Page.
Corporations declared subject to Legislative authority, repeal, etc.....	1841	11	168
To punish obstructions on railroad and for other purposes.....	1851	12	91
Act to release from pledge railroad shares belonging to State.....	1852	12	174
Actions against.....	1859	12	713
To regulate reports of railroad company and filing same.....	1861	13	57
Act regulating reports of the railroad.....	1861	13	713
Act to define rights and liabilities of railroad...	1864	13	233
Ordinance to repeal Acts pledging credit of State.....	1868	R. S.	LX.
Mode of acquiring lands and right of way	1868	14	89
Proceedings against on failure to pay guaranteed debts.....	1871	14	612
Act to regulate rights and powers of railroad...	1870	14	334
Relating to railroad property	1868	14	34
To prevent unjust discrimination.....	1878	16	784
To create Railroad Commissioner and define his duties.....	1878	16	789
To furnish consignee's itemized statement of freight charges.....	1879	17	24
To amend statutes relating to obstructing railroad.....	1879	17	101
Railroad Commissioner's pay.....	1879	17	127
As to fences in Anderson and Pickens.....	1880	17	244
Railroad Commissioner's pay.....	1880	17	261
Railroad to build stock guard or cattle gap.....	1880	17	328
Railroad Commissioner's pay and duties.....	1880	17	375
Railroad company to close accounts.....	1880	17	416





THIRD ANNUAL REPORT

OF THE

RAILROAD COMMISSIONER

OF THE

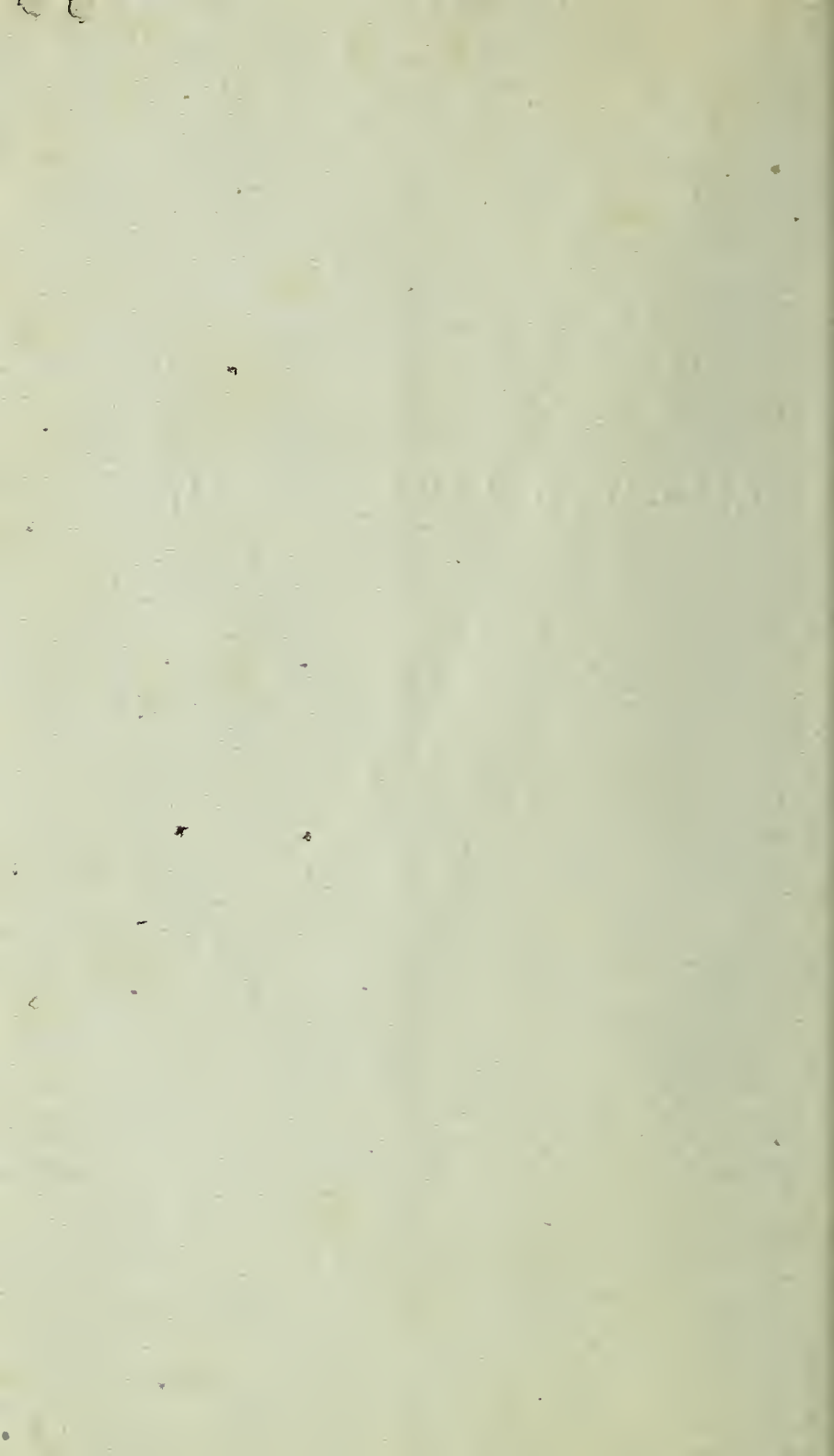
STATE OF SOUTH CAROLINA.



COLUMBIA, S. C.

JAMES WOODROW, STATE PRINTER.

1881.



THIRD ANNUAL REPORT

OF THE

RAILROAD COMMISSIONER

OF THE

STATE OF SOUTH CAROLINA.

PART I.

COLUMBIA, S. C.

JAMES WOODROW, STATE PRINTER.

1881.

LETTER OF TRANSMITTAL.

OFFICE OF THE RAILROAD COMMISSIONER,
COLUMBIA, S. C., November 22, 1881.

To His Excellency JOHNSON HAGOOD,
Governor of the State of South Carolina :

DEAR SIR: I have the honor of transmitting to you, to be laid before the Legislature, my Third Annual Report as Railroad Commissioner.

M. L. BONHAM, Railroad Commissioner.

REPORT.

THE OFFICE OF RAIL ROAD COMMISSIONER,
COLUMBIA, S. C., November 20, 1881.

To the Legislature of South Carolina:

I have the honor to submit my Third Annual Report.

THE RAILROADS AND THEIR RETURNS.

The Report contains returns from all the completed roads of the State, and a meagre one from the Augusta and Knoxville.

The "Central Railroad of South Carolina," it seems, "properly secured" a charter about the 1st February last. Up to 12th July last 11 miles of old iron rails were laid on the track from Lane's on the North Eastern Railroad to within two miles of Foreston. It was contemplated then by Mr. S. S. Solomons, the President, to enlarge the plans of the Company and "obtain the means of building the road to Sumter." I have been unable to get any further report from this Company.

Since this Report was prepared the following appeared in the press:

"THE CENTRAL RAILROAD.—Work on the Central Railroad of South Carolina is making very encouraging progress. The grading along the whole line from Lane's Station on the Northeastern Railroad to Sumter has been nearly completed and made ready for the iron. Track laying is going on at both ends of the line. The best materials are being used in the construction of the road and the work so far finished has been done in a thorough manner."

It is an important link by which an additional railroad communication between Columbia and Charleston, only about six miles longer than that of the South Carolina Railroad, will be established and which will develop an interesting portion of the State.

The Barnwell Railroad running from Blackville to Barnwell, according to the account given in answer to my inquiries, by Mr. J. W. Woodward, is best described in his own words: "The Barnwell Railroad was incorporated by an Act of the General Assembly, A. D. 1859, and by divers Acts since that time enlarged, extended, and renewed. At present there is no Barnwell Railroad Company, the undersigned having bought out the interest of the stockholders in that corporation, and bought up the fee-simple title to the lands through which the

road-bed runs, from the original owners thereof. And [he] is now operating a Tramway on his own land and hopes to extend it into a regular Railroad. But when that is done, it may or may not be a chartered corporation, but private property."

There are other projected railroads on the Savannah River side of the State partially graded, which when completed will connect Charleston with Knoxville by one or more passes through the mountains, and may thus realize the dream of our public men of fifty years ago, by a different route from the Atlantic to the mountains, from that contemplated by them. These are the Atlantic and French Broad Valley Road, to extend from Trickem, on the Augusta and Knoxville Railroad, by Abbeville, Belton, on the C. & G. R. R., Easley on the Atlanta & C. A. L. R. R., and Pickens C. H., to Asheville, N. C., various portions of which are now being graded. Thus the interior city of Augusta and the Atlantic seaports of Charleston, Port Royal, and Savannah, will be brought in direct communication with the city of Asheville beyond the mountains and by the Western North Carolina and the Cincinnati Cumberland Gap and Charleston R. R., now owned by the E. T., V. & Georgia R. R. Co., (which latter Company proposes to unite with the Western N. C. at the State line, near Paint Rock), with Morristown and Knoxville. But should the Blue Ridge Railroad be completed from Walhalla, a much shorter line from Knoxville to Charleston will be obtained by the route from Knoxville to Maryville, and thence by the Blue Ridge to Anderson in this State; from Anderson by the Savannah Valley Railroad to Dorn's Mine on the Augusta and Knoxville Railroad, and a short gap of twenty miles to be built between Dorn's Mine and Edgefield connecting there, with the Edgefield, Trenton and Aiken Railroad, the grading of which is now nearly completed, and by the South Carolina Railroad to Charleston. By the Asheville and Spartanburg, when completed, there will be another line from the mountains to Charleston, through the heart of the State.

All the roads are now out of the hands of Receivers except the South Carolina, which has been sold, but which for the present, remains under the control of the old officers of the former company.

Since the Report was prepared, the organization of the purchasing Company has been completed, and the property has passed into its hands.

Of the eighteen roads reporting (the Report of the Blue Ridge being included in that of the Columbia & Greenville), sixteen are standard, and two narrow gauge. They control and operate 1,741.4 miles, exclusive of sidings, 1,416.7 of which are in South Carolina.

Upon the relative value to the country of the standard and narrow

gauge roads, I have appended to this report two very interesting articles, maintaining opposite views.

The following table shows the increase and decrease in mileage.

Alteration in Mileage.

RAILROADS.	INCREASE.		DECREASE.	
	Total.	In S.C.	Total.	In S.C.
Asheville & Spartanburg.....		.2		
Atlanta & Charlotte Air Line.....		1.6		
Augusta & Knoxville.....	30	14.		
Charleston & Savannah.....			19	5.
Charlotte, Columbia & Augusta.....				.6
Cheraw & Chester.....	2	2		
Chester & Lenoir.....	13			
Total.....	45	17.8	19	5.6
Total increase.....	26	12.2		

There have been 45 miles of new road constructed and in operation, 16 of which are in South Carolina.

There are 381.97 miles of steel rails—an increase of 119.37 since the date of my last Report. The number of miles of steel rails in South Carolina cannot be accurately ascertained from the returns.

Atlanta & Charlotte Air Line.....	8.
Charleston & Savannah.....	22.
Charlotte, Columbia & Augusta.....	18.57
Columbia & Greenville.....	6.3
Northeastern.....	1.
South Carolina.....	54.5
Wilmington, Columbia & Augusta.....	9.
Total.....	119.37

Rolling Stock.

	1879-80.	1880-81.
Number of Locomotives.....	169	187
Number of Passenger Cars.....	124	146
Number of Freight Cars.....	2123	2229
Number of Express, Mail and Baggage Cars...	53	41
Number of other Cars.....	133	135
Number of Locomotives with train brake.....	36	55
Number of Cars with train brake.....	95	125

PASSENGER AND FREIGHT TRAFFIC.

There have been transported 764,195 passengers and 1,139,481.30 tons of freight. Passenger mileage is 26,023,335; freight mileage 87,000,290.

The Ashley River, Cheraw and Chester, and Augusta and Knoxville make no report of passenger transportation; and the Spartanburg, Union and Columbia reports only from 1st to 30th June, 1881. The roads reporting freight transportation are the Atlanta and Charlotte Air Line, Columbia and Augusta, Chester and Lenoir. Port Royal and Augusta, South Carolina, and Wilmington, Columbia and Augusta. The average amount received from passengers is \$1 71, and the average rate per mile, 4 cents. The average amount received per ton of freight is \$2 56, and the average rate per ton per mile is 2 cents.

The following table exhibits the average amount received for each passenger and ton of freight carried and the average rate per ton per mile for freight for the years 1879-80 and 1880-81:

ROAD.	PASSENGERS.		FREIGHT.			
	1880.	1881.	1880.		1881.	
	Average amount received	Average amount received	Average amount received	Average rate per ton.	Average amount received	Average rate per ton.
A. & C. A. L.....	\$2.74	\$2.15	\$2.76	\$0.019	\$2.76	\$0.021
Charleston & Savannah...			1.82	0.029	1.88	0.027
C. C., & A.....	2.35	1.83	2.65	0.035	2.46	0.032
Cheraw & Darlington.....	.65	.60				
Northeastern.....	1.91	2.10				
South Carolina.....	1.57	1.45	3.00	0.025	2.80	0.024
W., C., & A.....	2.10	1.93	2.32		2.59	
Total.....	\$1.96	\$1.78	\$2.85	\$0.026	\$2.56	\$0.025

These are the only roads that have made this report for both years.

TRAIN MILEAGE.

The following table shows the number of miles run by trains:

Passenger trains.....	2,723,843
Freight trains.....	6,991,372
Other trains.....	419,574
Laurens (mixed trains).....	27,757
Total.....	10,162,546

The Ashley River, Augusta and Knoxville, Cheraw and Chester, and Northeastern Roads make no report of train mileage.

ACCIDENTS.

1879-80. 1880-1.

Passengers killed from causes beyond their own control.....	0	0
Employees killed from causes beyond their own control.....	0	1
Others killed from causes beyond their own control...	5	0
Passengers killed by their own want of caution.....	1	0
Employees killed by their own want of caution.....	9	9
Others killed by their own want of caution.....	7	11
Passengers injured from causes beyond their own control.....	0	8

Employees injured from causes beyond their own control.....	2	7
Others injured from causes beyond their own control.....	4	6
Passengers injured by their own want of caution.....	4	3
Employees injured by their own want of caution.....	4	24
Others injured by their own want of caution.....	0	7
Total number killed.....	22	21
Total number injured....	14	49

1292 animals have been killed, for which \$25,217.85 have been paid.

The Northeastern and W., C. & A. Railroads report the amount paid, without the number killed. The Spartanburg, Union, and Columbia reports one killed, without the amount.

PROPORTION OF PASSENGERS KILLED AND INJURED TO THE NUMBER CARRIED.

YEARS.	Passengers Carried.	Pass'gers Killed.	Pass'gers Injured.	Proportion Killed.	Proportion Injured.
1879-80	486,733	1	4	1 to 486,733	1 to 121,683
1880-81	764,195	0	8	None.	1 to 95,524
Total	1,250,928	1	12	1 to 1,250,928	1 to 104,244

It is gratifying to report that there has been no passenger killed for the nine months preceding the 30th June, 1881, upon the railroads in this State, and none for the two and one-half years previous to that date, by any fault of the railroads.

CAR COUPLING.

So many employees of railroad companies are killed or injured in the act of coupling cars, that I recommend the passage of an Act similar to that of Connecticut, which provides that "every car owned or controlled by any railroad company located or operating a line of railroad in this State shall be provided with coupling apparatus, the proper use of which does not require the presence of any person between the cars at the time of coupling."

CAPITAL STOCK.

The capital stock is \$11,912,470, an increase over last year of \$3,436,350, as follows :

Asheville and Spartanburg.....	\$1,050,000 00
Augusta and Knoxville.....	72,000 00
Charleston and Savannah.....	300,200 00
Cheraw and Chester.....	6,900 00
Chester and Lenoir.....	7,250 00
Columbia and Greenville.....	2,000,000 00

Of these roads the Asheville and Spartanburg, Augusta and Knoxville, Charleston and Savannah, and Columbia and Greenville (then the Greenville and Columbia) made no report of capital stock last year.

DEBT.

The Funded Debt is \$18,402,116.73, an increase of \$5,441,052.22, distributed as follows:

	Increase.	Decrease.
Ashley River.....		\$4,500 00
A. C. A. L.....	\$48,000 00	
Aug. & K.....	630,000 00	
C. C. & A.....		3,583 00
C. & L.....	79,500 00	
C. & G.....	3,000,000 00	
N. E.....		30,214 51
P. R. & A.....	761,850 00	
W. C. & A.....	960,000 00	
Total.....	\$5,479,350 00	\$38,297 78
	38,297 78	

Total increase.....\$5,441,052 22

The unfunded debt is \$521,033.81, a decrease of \$176,183.89, as follows:

	Increase.	Decrease.
Ashley River.....	\$ 7,478 17	
Charlotte, Columbia, and Augusta.....		\$145,735 66
Cheraw and Chester.....		14,617 47
Cheraw and Salisbury.....	5,000 00	
Chester and Lenoir.....		23,595 00
Northeastern.....		11,366 58
Port Royal and Augusta.....	79,230 52	
Spartanburg, Union and Columbia.....		85,000 00
Wilmington, Columbia, and Augusta.....	12,422 13	
Total.....	\$104,130 82	\$280,314 71
		104,130 82
Total decrease.....		\$176,183 89

The total debt is \$18,923,150 54, an increase of \$5,264,868 33, as follows:

	Increase.	Decrease.
Ashley River.....	\$2,978 17	
Atlanta and Charlotte Air Line.....	48,000 00	
Augusta and Knoxville.....	630,000 00	
Charlotte, Columbia and Augusta.....		\$149,318 93
Cheraw and Chester		14,617 47
Cheraw and Salisbury.....	5,000 00	
Chester & Lenoir.....	55,905 00	
Columbia and Greenville.....	3,000,000 50	
Northeastern.....		41,581 09
Port Royal and Augusta.....	841,080 52	
Spartanburg, Union and Columbia.....		\$5,000 00
Wilmington, Columbia and Augusta.....	972,422 13	
Total.....	\$5,555,385 82	\$290,517 49
	290,517 49	

Total increase.....\$5,264,868 33

There was no report of the debt of the Greenville and Columbia (now Columbia and Greenville) and Augusta and Knoxville roads last year. The Laurens, South Carolina, and Spartanburg, Union and Columbia Railroads make no report of debt this year.

COST.

The total cost of roads as reported is \$27,477,913.07. Five roads report the cost of road at \$2 195.474.61—\$14,834.28 per mile. Two report cost of equipment at \$31.345—\$454.27 per mile. Seven do not report cost of road and equipment separately, but report the total cost at \$25,251,093.46—\$25,327.07 per mile. Five make no report of cost. It is impossible to ascertain the actual amount expended for construction and equipment by reason of the fact that many of the roads are not in the hands of the original owners, and the present owners have no means of arriving at the knowledge. Of the increase of cost—\$1,403,036.40—\$1,146,563.89 was not reported last year. The remainder, \$256,472.51, is the amount expended for construction and equipment during the year.

INCOME.

The total income is \$5,798,217.15 against \$4,951,413.92 last year, an increase of \$846,803.23, or 17 per cent. Income per mile of Road is \$3,387.99 against \$2,886.44 last year.

The following table exhibits the sources from which the income was derived:

		Per ct. of Total.
From Passengers.....	\$1,313,782 23	22.6
From Mails.....	259,602 91	4.4
Other Sources Passenger Department...	33,238 57	.6
From Freight.....	3,926,081 52	67.8
From all other sources.....	*265,511 92	4.6
Total.....	\$5,798,217 15	100.0

*Including "total income" of Ashley River, and Spartanburg, Union, and Columbia, June 1, 1880, to March 31, 1881, not distributed among the different sources.

The following is a comparative statement of income for two years:

	PASSENGER DEPARTMENT.	FREIGHT DEPARTMENT.	ALL OTHER SOURCES.	TOTAL.
1879-80.	\$1,477,614 17	\$3,374,278 23	\$ 93,487 52	*\$ 4,951,413 92
1880-81.	1,606,623 71	3,926,081 52	156,150 68	° 5,798,217 15

*Including \$6,034, total income of Ashley River Railroad.

°Including \$6,102.29, total income of Ashley River Railroad, and \$103,258.95, total income of Spartanburg, Union and Columbia Railroad from June 1st, 1880, to March 31st, 1881.

EXPENSES.

The "Total Expenses" are \$4,253,904 02; against \$3,585,766 61 last year—an increase of \$668,137 41, or 18 per cent. Expense per mile of road is \$2,442 87; against \$2,090 33 last year.

The following is an exhibit of the expenses:

Maintenance of Way and Buildings.....	\$1,493,298 75	35.1 per ct.
Maintenance of Motive Power and Cars...	1,247,195 13	29.3
Conducting Transportation.....	1,053,005 79	24.8
General Expenses (Taxes, Salaries, Etc)...	367,662 85	8.6
Not included in above	<div> <div> Total C. & L..... S. U. & C., June 1, '80 to Mch 31 '81 A. & S. J'y, Nov '80 </div> <div> 22,281 20 56,713 30 13,747 00 </div> </div>	2.2
Total.....	\$4,253,904 02	100.

The following is a comparative statement of income and expenses for 1879-80 and 1880-81 :

	Income.	Expenses.	Net Income.	Increase of Net Income.
1879-80..	\$4,951,413 92	\$3,585,766 61	\$1,365,647 31	
1880-81..	5,798,217 15	4,253,904 02	1,544,313 13	\$178,665 82

INTEREST AND RENTAL PAID.

	Interest.	Rental.
Ashley River.....	\$2,840 00	
Atlanta and Charlotte Air Line.....	332,500 00	
Charleston and Savannah.....		\$28,762 70
Charlotte, Columbia and Augusta.....	191,289 06	
Cheraw and Darlington.....	20,706 00	
Chester and Lenoir.....	5,425 00	
Laurens.....	697 00	
Northeastern.....	94,294 00	
South Carolina.....	228,609 63	
Spartanburg, Union and Columbia.....		12,500 00
Wilmington, Columbia and Augusta.....	96,288 83	
	<u>\$972,649 52</u>	<u>\$41,262 70</u>

The expenses, interest and rental amount to \$5,334,657.16—leaving a surplus of \$463,559.99.

The following Table shows the total increase of income and expenses, and the per cent. of increase :

INCOME.	Expenses.	PER CENT.	
		Income.	Expenses.
\$846,803.23	668,137.41	17	18

BRIDGES, TRESTLES, AND HIGHWAY CROSSINGS.

The following table shows the length of bridges and trestles:

	Miles.
Iron bridges.....	1.13
Wooden bridges.....	2.60
Combination bridges.....	.53
<hr/>	
Total.....	4.26
Trestles.....	42.14

The report of highway crossings is imperfect. As reported there are 492 at grade, 197 under, and 7 over. There are 149 without signs. Some of the roads do not report the use of warning signals at highway crossings.

There being no law in this State requiring them to be used, and being authorized by the Act creating this office to require such change in the mode of operating railroads as I may deem reasonable and expedient in order to promote the security of the public, I issued a circular 8th April, 1879, to the railroads in the State requiring, where not already in use, that warning boards be put up at, and that engineers be enjoined to give signals of their approach five hundred yards before reaching, each crossing of a public highway, and that a bell be rung until the crossing is passed.

It is much to be regretted that the railroad returns are so incomplete. By Act of the Legislature, approved December 24th, 1880, the railroad companies are required to close their yearly accounts on the 30th June, and to make their returns to the Railroad Commissioner on or before the 31st of August of each year. If properly prepared, these reports would afford much valuable information to the stockholders and bondholders of the different roads and to the Legislature, which they have a right to possess. It will be perceived by glancing at the different reports that many of their accounts are not kept after the prescribed form. Hence the tables prepared in this office are necessarily incomplete. The reports, however, for this year are improvements upon the two preceding years, and it is to be hoped by another year will be such as to afford accurate information of the operation and condition of the different railroads. Several of the roads did not make their reports within the time prescribed, which has much retarded the preparation of this report, and such has been the case for the two preceding years. The South Carolina, Charlotte, Columbia and Augusta, Cheraw and Darlington,

Cheraw and Salisbury, Atlanta and Charlotte Air Line, and Asheville and Spartanburg were received within the prescribed time. The Augusta and Knoxville and the Central Railroad of South Carolina, only in process of construction, were not expected to make any report within the prescribed time. The Wilmington, Columbia and Augusta asked for a few days extension of time, the last of August, which was granted. The roads failing to report in time are the Columbia and Greenville, including the Blue Ridge, Spartanburg, Union and Columbia, Laurens, Charleston and Savannah, Northeastern, Ashley River, Cheraw and Chester, and Chester and Lenoir, the penalty for which, under the law, is one hundred dollars. The reports of the Charleston and Savannah and Northeastern Railroads were received, however, within a day or two after the time expired.

The Act creating this office contemplates giving fifteen days within which a company must correct a defective report and requires the Commissioner to submit his Report on or before the second Monday in November. This it is impossible to do with properly prepared tables if the railroads withhold their reports, as some of them have done, until October and November.

COMPLAINTS.

It has been the practice of this office to communicate to the authorities of the railroad complained of the grounds thereof, so as to receive from them their explanations. In most cases the differences have been adjusted through this office satisfactorily to the parties and are not heard of by the public. In others where there is reasonable ground for the complaint, matters are in abeyance because it is not in the power of the Commissioner to carry the cases into the courts—the Attorney General holding that he is not the counsel of the Railroad Commissioner. (I am not prepared to say this is error), and no fund having been placed at the disposal of the Commissioner to defray the expenses of the necessary legal proceedings.

FREIGHT AND PASSENGER RATES.

The Railroad Commissioner is required, by law, to make "such statements, facts and explanations as will disclose the actual working of the system of railroad transportation in its bearing upon the business and prosperity of the State; and such suggestions as to the general railroad policy of the State, or as to any part thereof, or as to the condition, affairs or conduct of any of the railroad corporations as may seem to him appropriate." In my last year's report I brought to the attention of the Legislature the importance of classifying roads

and fixing just rates of freight. The result of my three years' experience and observation of the working of our railroad system and of the systems of other States has convinced me that the system prevailing in Georgia and some other States, of conferring upon a Commission "the power and authority of regulating railroad freight and passenger tariffs" is the best that can be adopted to secure just and reasonable rates as between the public and railroads.

Since the creation of the South Carolina Commission the States of Georgia, California, and Alabama have established each a Commission, but with three members each, the first two Commissions having the power and authority of regulating freight and passenger tariffs, the last the power of revising and correcting the tariffs established by the railroads themselves. The Legislature itself cannot classify roads and fix the rates, which ought to be modified according to circumstances and when the Legislature is not in session; nor would it be satisfactory to the public or the roads that it should be done by a single Commissioner. I therefore recommend that the Railroad Commissioner Act be amended, and three Commissioners appointed, with the power and authority of regulating railroad freight and passenger tariffs. In Georgia the rate of passenger tariffs on the leading roads has been reduced to three cents a mile, and it is said that one of those roads, as to which alone I was informed, has derived a larger revenue from the transportation of passengers since the reduction of the rates, and I doubt not such is the case with them all, and would be here, from the increase of travel.

In this connection, I beg leave to insert some remarks made in my last annual Report: "There are but three railroads in the State restricted in their charge on [heavy] freights to fifty cents per hundred pounds per hundred miles, viz: The South Carolina, Charlotte, Columbia and Augusta, and Wilmington, Columbia and Augusta Railroads. * * * I can see no good reason why the three roads named should be thus restricted while other roads in the State are unrestricted, or only restricted to ten per cent. profit upon their capital. * * and submit respectfully that the same or a lower maximum rate * * should be applied to all roads alike." Even then there will be great disparity in the rates paid by the patrons of different lines on the same article.

The following table will illustrate this as to disparity of freight rates on the three limited roads, as also the importance of regulating freight tariffs, so as to secure just and reasonable charges on each railroad, according to the amount of business and length of haul of each road:

Freight per Ton for 34 Miles.

	S. C.	C., C. & A.	W., C. & U.	C. & G.
Fertilizers.....	\$2 50	\$3 40	\$3 00	\$3 00
Salt in Sacks.....	2 50	3 60	2 40	4 00
Flour in Sacks.....	4 00	3 40	3 00	4 40
Brick.....	3 60	3 40	3 20	4 00
Iron.....	3 60	3 40	4 00	4 00

Some of the above rates exceed fifty cents per hundred pounds per hundred miles—the rate to which the South Carolina, Charlotte, Columbia and Augusta, and Wilmington, Columbia and Augusta are restricted by their charters—which would be \$3.40 on each of the articles for 34 miles.

In correspondence last year with the President of the Charlotte, Columbia and Augusta Railroad and the Receiver of the South Carolina Railroad, the fact was also disclosed that each was charging but 25 cents per barrel on flour, from Augusta to Columbia, while a much higher rate was charged to intermediate points. This is a violation of the Act, approved 24th December, 1878, “to prevent unjust discrimination,” but, for reasons stated elsewhere, it has not been in the power of the Commissioner to institute proceedings in the Courts to obtain injunctions against these violations of the law.

The Railroad having the greater amount of business and the longer haul, other things being equal, can afford to carry freight at a less rate than one having a shorter haul and less business. But if this is left entirely to the roads themselves the inequality above exhibited will always exist to the detriment of the public. I respectfully submit, as before, that the best remedy for this evil, is to commit the fixing of freight and passenger rates to three fair and disinterested Commissioners. It is objected to this by the railroad companies that their railroads are the private property of the stockholders. On this subject Judge Black, one of the ablest jurists of America, says: “The legally vested rights of railway companies, like other rights of property, are sacred. But on this question railroad men misunderstand their situation. They believe, or pretend to believe, that railways are the property of the companies authorized to run them, which is a cardinal error, and the parent of much false argument. A public highway cannot be private property, and a railroad laid out and built by the authority of the State for the purposes of commerce, is as much a public highway as a turnpike road, canal, or navigable river.” Chief Justice Waite, higher authority, especially as he

was announcing the decision of the United States Supreme Court, in *Munn vs. Illinois*, 94 U. S. Rep., pp. 125-6, says: "When private property is affected with a public interest it ceases to be *juris privati* only, * * * * *. Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created."

This is the settled law of the land. The Legislature has the power and authority, notwithstanding their charters, to regulate freight and passenger tariffs, and prevent unjust discrimination. Not more than one, if any railroad in this State, it is believed, can successfully claim exemption from this exercise of Legislative power and authority. The exercise of the power by the Legislature itself being impracticable, I think the proposition cannot be controverted that it has a perfect right to appoint a Commission who shall regulate railroad freight and passenger tariffs. Admitting the correctness of this position, it is contended that the Legislature neither by itself nor by a Commission can regulate the freights coming from beyond the limits of the State. If this were true, the people of the State would be entirely at the mercy of any railroad combination located beyond her limits which should get control of the railroads within her borders. It is needless to discuss here what is meant by the words in the Constitution of the United States authorizing Congress "to regulate commerce with foreign nations and among the several States." It is enough that Congress has passed no Act to carry out this provision of the Constitution, and, in the language of the Court in the case of *Peik vs. The Chicago and Northwestern Railroad Company*, of Wisconsin, 94 United States Supreme Court Reports, p. 178, "certainly until Congress undertakes to legislate for those who are without, Wisconsin may provide for those within." And Chief Justice Waite, in *The Chicago, Burlington and Quincy Railroad Company vs. Iowa*, 94 United States Supreme Court Reports, p. 155, decided that: "Until Congress acts, the State must be permitted to adopt such rules and regulations as may be necessary for the promotion of the general welfare of the people within its own jurisdiction."

The rate of the Richmond and Danville connection for the freight of a hundred pounds of corn from Richmond to Columbia, about 400 miles, is seventeen cents, while the rate on the same from Columbia to Winnsboro, thirty-five miles, is the same, and from Greenville to Columbia, thirty-three cents. Unless the public can be protected

from such rates by the action of the State Legislature the people are helpless.

I respectfully recommend that all railroads be required to keep constantly posted at their respective depots printed copies of their freight and passenger tariffs, and that whenever a change shall be made in either, ten days' public notice in the same way shall be given before the change takes effect.

INSPECTION OF RAILROADS.

I this year inspected all the railroads in the State, and with an experienced engineer have inspected all the bridges and trestles except a small portion of the Laurens Road and the bridge over Little River, near the village of Laurens. The bridge is new and was examined by me last year. We were prevented from inspecting these in consequence of the repairs in progress upon the road bed and track, which would detain us several hours before we could pass. I had the assurance, however, of the President and Superintendent, who accompanied me, that they were in good condition. Every facility has been courteously afforded by the railroads for this purpose, the Superintendent, engineer, or some officer of each railroad, sometimes the President, accompanying me. The repairs and improvements on many of the roads are extensive, and their general condition is greatly improved since the inspection of last year, and this is one cause of the increased expenditures of this year over the last.

My practice has been to require a report from my expert on all bridges and trestles immediately after the inspection. I thereupon transmitted to the officers of the Company a copy of the report in each case, and called upon them to make the repairs and improvements suggested. As a general rule this has been promptly done.

In my last Report I said: "The bridge at Shelton across Broad River, on the S., U. & C. R. R., has been put in good repair for the present, but a new bridge will be needed before a great while."

I beg leave here to submit an extract from the report to me of my expert, Mr. W. A. Aiken, C. E., on the

D RIVER BRIDGE.

It will be very hard to tell how to repair this structure except very temporarily. A good deal of new timber has lately been put in it, but unless a good bridge of some kind is to be put here very shortly the whole structure needs entire renewal if not remodeling.

I should hesitate to stamp it as dangerous actually. I should equally object to calling it safe. The easiest solution to the difficulty is a new bridge." Before the putting in of the new timber referred to Capt. C. S. Dwight, C. E., my Expert for the year 1880, said, in his Report: "This bridge (Broad River, at Shelton) is in need of *immediate* and *extensive* repairs; indeed, nothing but a new and first-class bridge can completely fill the requirements of this crossing."

SAVANNAH RIVER TRESTLE.

On the 11th February last a serious disaster occurred on the Charleston and Savannah Railroad, viz.: The falling of the trestle for about two miles, leaving standing next to the abutment on the highland about 100 yards of the trestle, and some 200 yards next to the Savannah River bridge. As soon as I could visit the scene, I made an examination of the wreck as far as practicable, the river having got without its banks, covering a portion of the fallen trestle. I was satisfied that the absence of diagonal longitudinal bracing was largely the cause of this disaster, as it was of the disaster of the Wateree trestle on the Camden branch of the South Carolina Railroad, in the early history of the road, which fell in for near four miles. I called upon the Superintendent, Mr. C. S. Gadsden, who is also an educated engineer, to give me an account of the causes of the disaster and extent of the injury as early as convenient. I herewith submit his reply:

CHARLESTON AND SAVANNAH RAILWAY COMPANY.

CHARLESTON, S. C., April 5, 1881.

General M. L. Bonham, Railroad Commissioner, State of South Carolina, Columbia, S. C.:

DEAR SIR: Answering your letter of the 31st March, I will give as briefly as possible, the causes of the fall of the trestle at crossing of the Savannah River by the Charleston and Savannah Railway, and the extent of the injury.

This disaster resulting in the fall of two miles of trestle, and the wrecking of a train of twenty (20) box and platform cars with engine, occurred about 10 o'clock P. M. on Thursday, 10th of February. The immediate cause of the accident as nearly as could be ascertained from a close inspection of the wreck, was the breaking down of a box car loaded with cotton, at a time when this freight train had nearly reached the highland on the South Carolina side. The indications were, that one pair of wheels became detached from the truck frame, on one side and fell between the cross ties of the trestle, while the journal on the other end was firmly held in its box

under one of the cars near the middle of the train. The possible consequences of such a situation, which it appears was unknown to any one on the train, will be appreciated by those familiar with railroad accidents. In the struggle which ensued, lasting but a few minutes, all cross-ties in front of the broken truck were massed in a heap, rails broken, etc.

The strain upon the trestle structure must have been very severe. The first intention was, it occurs to the writer, to break down the trestle ahead and under the train, but owing to the firm abutment of earth just one hundred (100) yards in advance of the train, this movement was checked and the brake upon the motion of the train occasioned by the entanglement of the broken truck continuing and increasing in amount with every foot of advance, the reaction and rebound thus occasioned, caused the fall of the structure backwards, where was found less resistance than in front. Under any circumstances it is certain the heavy thrust given by the falling of a train of at least four hundred (400) tons' weight must have occasioned the destruction of the trestle for some distance to the rear of the position occupied by the train itself. The style of structure used, and certain omissions on the part of the trestle repair gang to properly bind the several parts of the trestle together, were causes favorable to the spread of the disaster, and the result was, as stated, the fall of very nearly the entire length of trestle on the South Carolina side of the Savannah River.

The "inverted W trestle" placed on three piles cut off at the surface of the ground, was the structure employed; the bents being about eight (8) feet in height. These bents were generally held to pile-heads by two (2) inch pine pins, driven through the sills into the outside piles. In the renewals recently introduced in many instances this method of fastening the bent frame to the pile-heads and of the several parts of the frame itself together, had been omitted. Longitudinal braces had also been inserted at irregular intervals, but when this trial of the stability of this trestle was made, these longitudinal braces proved of no practical value, because the bents had not been tied together, nor to the pile-heads. While the trestle was equal to the vertical load to which it was daily subjected, it readily gave way under the tremendous horizontal thrust to which it was thus put.

At the distance of one and a half ($1\frac{1}{2}$) miles from the immediate scene of the accident there was a large creek, crossed by the trestle, where the original bents proving unreliable, "piles up to grade" had been driven and capped, to assist in bearing the loads. The style of structure was therefore varied, and it seemed reasonable to have sup-

posed that the continuity of the downfall of the trestle would have been arrested here, but so great was the momentum of the force called into action for the work of destruction that the caps were knocked off these piles, and the trestle was thrown down for a half mile beyond.

While there were individual pieces of timber which were defective, it is asserted that the condition of the timber, of which this trestle was composed, was not the cause of its downfall. This was proven by the fact of the restoration of the roadway in the brief time of two weeks, although a heavy freshet passed in the interval, by the use of the same material.

The cause of the trestle's destruction was the unusually powerful force exerted for its overthrow, in the direction where it was least prepared for attack, and the extent of the disaster was greatly exaggerated by intrinsic weakness of this particular structure. From the lessons here taught, the writer feels less confidence than before in the stability of long trestles, however they may be braced, or strengthened against a horizontal thrust; and regards blocks of earthwork at intervals, the only security against such a disaster as that at the Savannah River.

Respectfully submitted.

C. S. GADSDEN, Sup't.

RUN OFF AT ENOREE BRIDGE.

The 2d July last, having seen in the papers that a passenger train on the Atlanta & Charlotte Air Line Railroad had, a few days before, narrowly escaped a fearful accident in crossing the Enoree River, I wrote Mr. I. Y. Sage, Superintendent, for a report upon the subject, enquiring: "Were the cross ties stout and close, fastened together by guard rails notched? I am much interested in having all the roads in this State thus provided. It contributes to safety on [bridges and] trestles in case of derailment." He sent me the following report:

SUPERINTENDENT'S OFFICE,

RICHMOND & DANVILLE RAILROAD CO..

ATLANTA, GA.,

July 5, 1881.

Hon. M. L. BONHAM, Railroad Commissioner, Columbia, S. C.

DEAR SIR: Yours of 2d inst., in relation to the run-off at Enoree, received.

The accident was caused by a hand-car being on the track in the face of a regular train. The car was struck near the end of Enoree

Bridge, throwing the engine from the track. The engine and entire train ran across two spans of bridging and fifty feet of trestle-work while off the track. No damage was done to the cars. The pilot on the engine was knocked off. The trestle and bridge-work had been supplied with oak ties 7x9, with a guard-rail on each end, 8x12. Had this not been the case, no doubt the entire train would have gone into the river.

It is usual in putting on guard-rail to bolt it through the tie after being notched down on the tie; these bolts being placed through every fourth or fifth tie. For perfect security, however, I am satisfied that at least every other tie should be securely bolted to the guard-rail. I am satisfied we were saved a complete wreck in this instance by having the ties and guard-rail. As it was no personal injury was sustained, the damage consisting of the pilot being knocked from the engine and some slight damage to the ties and guard-rail, caused by the rubbing of the wheels.

The bridge is a Howe truss, calculated to a factor of safety of 10.

Respectfully, yours,

I. Y. SAGE, Superintendent.

On my subsequent inspection of the road this year, I found the above statement confirmed in every particular, and was more than ever impressed with the necessity of strong and close cross ties with strong guard rails notched over the ends and bolted down with iron bolts to every second or third cross tie to prevent the bunching of the ties and secure the greatest safety to the train and its passengers in case of derailment. Of so much importance do I regard these improvements on railroad structures as also the longitudinal, diagonal bracing on trestles, that I have not only previously called attention of railroad officials to their importance, but I have this year, in transmitting copies of my Expert's Reports upon bridges and trestles, urged upon each President or Receiver of a Railroad Company substantially what follows: "I cannot too earnestly press upon you the propriety of using heavy cross ties on bridges and trestles with a strong guard rail on each end of the ties notched and securely pinned down by good iron bolts to every other cross tie. Longitudinal diagonal bracing of strong timbers to at least every other bent in a high trestle I deem of scarcely less importance than the above, and earnestly urge its adoption as early as practicable."

To this I would add, for such trestles as the Savannah River, on the Charleston and Savannah Railroad, the Congaree, on the South Carolina, and the Wateree trestles, on the Camden Branch and the Wilmington, Columbia and Augusta Railroad, occasional blocks of

earthwork firmly supported at each end by good masonry, to prevent washing by the current.

STATION HOUSES.

I have endeavored to effect an improvement in the station houses on the different railroads, especially in the important ones where many passengers get on and off the trains. In some cases the effort has been successful. But there is still great room for improvement in this particular. Every important station should have a comfortable station house with suitable rooms and appointments for males and females, with a covered platform to protect passengers from the weather in getting to and from the station houses. These, in most cases, I have not been able to secure. I have more than once called the attention of the railroads entering Columbia to the importance of a union depot in the City of Columbia, the capital of the State, where four among the principal roads of the State meet. The power to require it is not conferred upon the Railroad Commissioner—it rests with the Legislature. I have also called their attention to the necessity, “in order to promote the convenience and accommodation of the public,” of constructing comfortable shelters and station houses at their respective depots in Columbia. This I conceive I have a right to require, but have not had the means of accomplishing. I may as well say here, that this, as many other things the Commissioner is authorized to do, cannot be accomplished unless the Attorney General and Solicitors, or some one else, be authorized and required to represent the Commissioner in the Courts, or an adequate fund be placed at his disposal to enable him to test in the Courts violations of law, and of their charters, by the railroads. And this I recommend, whether the Board is to consist of one or three Commissioners.

RAILROAD ASSESSMENTS.

The amounts assessed on the different railroads by the Comptroller General, to defray the expenses of the Railroad Commission, have been collected from the roads, except the South Carolina. The machinery for collecting these assessments in this State is very defective. I recommend that the law be amended, and that it be provided, as in some other States, that when the assessment is made, the Treasurer be authorized to collect and deposit the amount in the Treasury, as other taxes are collected and deposited.

PRINTING REPORT.

I ask of the Legislature the printing of a larger number of the
3 RRC

Railroad Commissioner's Report. The number printed is not sufficient to supply the Legislature and its officers, the Executive Departments and other officers of the State and others who should have them. Every railroad officer, including the Directors, I would be glad to supply with a copy each. A few hundred copies additional to those authorized by law would not be, the type having already been set, a heavy additional expense.

FIRING INTO TRAINS.

Seeing the following article in the *Hampton Messenger* sometime since, I respectfully ask your attention to it, and recommend that the law be so amended as to subject one who wilfully and maliciously shoots, with powder and lead, into a train, to the same punishment as is provided by the law against one who "shall wilfully and maliciously place or cause to be placed on the track or other part of the passage way of any railroads on which steam engines or hand cars are used any timber, stone or other obstruction with intent to injure or impede the passage of any cars or means of conveyance," which is a felony under our law, and punishable by imprisonment in the Penitentiary from one to thirty years; and if death ensues, punishable with death:

"Firing on a Railroad Train.—On Saturday night, at Early Branch, both the up and down passenger train was fired into by some miscreant, and a lady narrowly escaping the bullet which came in such close proximity to her head, causing her to faint and leading the passengers to believe that she had been struck. It has become a regular occurrence to hurl missiles at the train along the route."

CONDUCTORS.

I respectfully recommend the passage of an Act similar to that in the State of Virginia, giving to conductors, especially on trains leading into the City of Charleston, at the time of elections, the power and authority to arrest disorderly persons on their respective trains, and of carrying them before a magistrate to be dealt with according to law.

CONCLUSION.

In the Appendix will be found two interesting tables, conveying valuable information—one giving the names of the States having Railroad Commissions, with all the information attainable connected therewith: when the Boards were established, number of Commissioners, how appointed, length of term, amount of salary, &c.; the other giving the names of stations and distances on the railroads in

South Carolina; also, the proceedings of the fourth National Convention of Railroad Commissioners.

The Report embraces the subjects of greatest importance connected with the operations of the railroads of this State. If the Legislature should not create a Board of three Commissioners, I am not prepared to recommend any increase of the powers of the Commissioner. It is enough, in my judgment, to give him the means of enforcing the powers already conferred upon him, which can be done alone through the Courts, or by reporting the facts "to the General Assembly for such action as it may deem expedient."

The returns of the railroads, tabulated in eighteen tables, are not as full and satisfactory as they should be; they, however, contain much valuable and interesting information from those that have reported.

Respectfully submitted,

M. L. BONHAM, Railroad Commissioner.

Expenses of the office for the year ending November 20, 1881.

Stationery and printing.....	\$61 25
Inspecting railroads.....	114 95
Postage	70 82
Porter	33 80
Telegraph and express.....	16 19
Miscellaneous.....	75 90
Total	<hr/> \$372 91

ABSTRACT
OF
RAILROAD REPORTS
FOR THE
YEAR ENDING JUNE 30, 1881.

TABLE I.—

RAILROADS.	PAID IN.	PER MILE.
†Asheville and Spartanburg	\$1,050,000 00	\$21,428 57
Ashley River.....	6,020 00	1,505 00
Atlanta and Charlotte Air Line.....	1,700,000 00	6,319 70
Augusta and Knoxville.....	72,000 00	2,400 00
Charleston and Savannah.....	300,200 00	3,127 08
Charlotte, Columbia and Augusta....	2,578,000 00	13,497 38
Cheraw and Chester.....	268,900 00	9,272 41
Cheraw and Darlington.....	392,100 00	9,802 50
Cheraw and Salisbury.....	599,250 00	23,048 00
Chester and Lenoir.....	336,650 00	5,343 65
Columbia, Greenville and Blue Ridge. Laurens.....	2,000,000 00	10,204 08
North Eastern.....	899,350 00	8,817 15
Port Royal and Augusta.....	750,000 00	6,696 42
South Carolina.....	Not within	the knowledge
Spartanburg, Union and Columbia....		
Wilmington, Columbia and Augusta..	960,000 00	5,000 00
Total.....	\$11,912,470 00	*\$8,514 99

°See Report of Asheville and Spartanburg Railroad Company.

*Divide total "Paid In" by number of miles of roads reporting.

†Purchased April 4, 1881, for \$111,000.00, the capital stock to be fixed at \$1,050,000.

Capital Stock.

COMMON.	PREFERRED.	AMOUNT HELD IN SOUTH CAROLINA.	NUMBER OF STOCK- HOLDERS.	NUMBER OF STOCKHOLDERS IN SO. CAR'NA.	PAR VALUE OF SHARES.
.....	.....	.....	29	.....	°\$100 00
.....	\$ 6,020 00	.....	14	14	100 00
\$ 1,700,000 00	.....	None.	.....	None.	100 00
.....	.....	.....	.....	.....	25 00
being rebuilt.	Bonds and	stocks not yet	issued."	.....	100 00
93,900 00	175,000 00	\$ 268,900 00	.....	.....	.....
.....	.....	.....	102	89	50 00
.....	.....	.....	155	145	50 00
336,650 00	.....	273,650 00	496	240	100 00
.....
.....	86,000 00	.....	17,987	.....	50 00
750,000 00	.....	4,300 00	90	5	.....
of the	Receiver.	.....	.....	.....	.....
960,000 00	.....	.....	125	.....	100 00
\$ 3,840,550 00	\$ 107,020 00	\$ 546,850 00	18,898	493	.....

‡Purchase money at sale of S. and C., June 7, 1880.

TABLE II.—*Debt.*

RAILROADS.	FUNDED DEBT.	UNFUNDED DEBT.	TOTAL DEBT.	DEBT PER MILE.	STOCK AND DEBT.	STOCK AND DEBT PER MILE.
Asheville and Spartanburg.....	.....	.....	.....	.....	\$1,050,000 00	.....
Ashley River.....	\$35,500 00	\$7,478 17	\$42,978 17	\$10,744 54	48,998 17	\$12,249 54
Atlanta and Charlotte Air Line...	5,250,000 00	.....	5,250,000 00	19,516 72	6,950,000 00	25,836 43
Augusta and Knoxville.....	630,000 00	.....	630,000 00	21,000 00	702,000 00	23,400 00
Charleston and Savannah.....	.....	.....	.....	.....	300,200 00	3,127 08
Charlotte, Columbia and Augusta.	2,504,416 73	224,967 03	2,729,383 76	14,289 96	5,307,383 76	27,787 34
Cheraw and Chester.....	100,000 00	11,883 16	111,883 16	3,854 60	380,783 16	13,130 45
Cheraw and Darlington.....	268,200 00	.....	268,200 00	6,705 00	660,300 00	16,507 50
Cheraw and Salisbury.....	160,000 00	20,000 00	180,000 00	6,923 07	779,250 00	29,971 15
Chester and Lenoir.....	202,000 00	5,215 00	207,215 00	3,289 12	543,865 00	8,632 77
Columbia and Greenville.....	3,000,000 00	.....	3,000,000 00	15,306 12	5,000,000 00	25,510 20
Laurens.....	.....	.....	.....	.....	.....	.....
Northeastern.....	1,142,000 00	.....	1,142,000 00	11,196 07	2,041,350 00	20,013 23
Port Royal and Augusta.....	2,550,000 00	126,753 26	2,676,753 26	23,899 58	3,426,753 26	30,596 01
South Carolina.....	.....	.....	.....	.....	.....	.....
Spartanburg Union & Columbia...	.....	.....	.....	.....	.....	.....
Wilmington, Columbia & Augusta.	2,560,000 00	124,737 19	2,684,737 19	13,983 00	3,644,737 19	18,983 00
Total.....	\$18,402,116 73	\$521,033 81	\$18,923,150 54	*\$15,090 23	*\$30,835,620 54	*\$22,041 18

*Divide "Total" by number of miles of roads reporting.

TABLE III—*Cost.*

RAILROADS.	ROAD.	ROAD PER MILE.	EQUIPMENT	EQUIPMENT PER MILE.	ROAD AND EQUIPMENT.	ROAD AND EQUIPMENT PER MILE.
Asheville and Spartanburg.....	\$735,000 00	\$15,000 00	.....	.....	\$735,000 00	.....
Ashley River.....	41,986 61	10,496 65	.....	.....	41,986 61	\$10,496 65
Atlanta and Charlotte Air Line.....	.....	.....	.....	.....	6,950,000 00	25,836 43
Augusta and Knoxville.....	.....	.....	.....	.....	.....	.....
Charleston and Savannah.....	Road now being rebuilt.	.....	.....	.....	.....	.....
Charlotte, Columbia and Augusta.....	326,924 11	11,273 24	\$28,845 00	994 65	5,132,846 35	26,873 54
Cheraw and Chester.....	680,000 00	17,000 00	2,500 00	62 50	355,769 11	12,267 89
Cheraw and Darlington.....	411,563 89	15,829 38	.....	.....	682,500 00	17,062 50
Cheraw and Salisbury.....	.....	.....	.....	.....	411,563 89	15,829 38
Chester and Lenoir.....	.....	.....	.....	.....	583,252 00	9,257 90
Columbia and Greenville.....	.....	.....	.....	.....	.....	.....
Laurens.....	.....	.....	.....	.....	.....	.....
Northeastern.....	.....	.....	.....	.....	2,148,130 65	21,060 00
Port Royal and Augusta.....	.....	.....	.....	.....	2,593,087 62	23,152 56
South Carolina.....	Not within the knowledge of the Receiver.	.....	.....	.....	.....	.....
Spartanburg, Union and Columbia.....	.....	.....	.....	.....	*308,000 00	4,529 41
Wilmington, Columbia and Augusta.....	.....	.....	.....	.....	7,535,776 84	39,248 83
Total.....	\$2,195,474 61	†\$14,834 28	\$31,345 00	†\$454 27	\$27,477,913 07	†\$23,998 17

*Taken from Report for last year.

†Divide "Total" by the number of miles of Roads reporting.

TABLE IV.—*Income.*

RAILROADS	PASSENGER DEPARTMENT				FREIGHT DEPARTMENT				TOLLS				
	Passenger	Mails	Other Sources (Pass. Dept.)	Total	Per Mile of Road	Per Ton-Mile	Total	Per Mile of Road	Per Ton-Mile	From Other Sources		Per Mile of Road	Per Ton-Mile
										Per Mile of Road	Per Ton-Mile		
Ash Grove and Spartanburg	\$16,447.52	\$2,722.05	\$456.56	\$19,626.13	\$400.53	0.62	\$16,407.06	\$ 2.97			\$75,943.29	\$7,141.50	
Ashley River											6,102.29	1,525.97	
Athens and Charlotte Air Line	294,456.20	99,234.36		393,690.56	1,406.53	0.81	621,116.67	2,398.98	1.76	\$1,351.18	1,046,457.43	1,890.17	1.25
Augusta and Knoxville													
Charleston and Savannah	122,650.67	26,661.88	4,571.79	153,884.34	1,571.71	1.11	159,686.05	1,569.13	0.88		341,570.79	3,141.35	0.65
Charlotte, Columbia and Augusta	161,352.84	26,279.88	8,872.05	196,504.77	1,028.82	0.22	120,405.28	2,201.07	0.14	1,848.37	648,748.42	3,239.46	.06
Cheraw and Chester	6,100.35	997.41		7,097.79	241.17		21,812.97	753.20			28,910.76	907.97	
Cheraw and Darlington	9,917.25	1,747.60	5,269.99	16,934.84	424.37	0.67	49,224.00	1,230.60	1.97		66,158.84	1,653.97	.06
Cheraw and Salisbury	3,177.07	854.21	101.73	4,133.01	158.30	0.60	11,692.24	449.70	0.72		15,808.25	608.00	0.67
Chester and Lenoir	9,069.90	2,260.74	551.68	11,882.32	187.65	1.37	31,350.77	515.25	1.66		46,173.09	732.90	0.89
Columbia and Greenville	(383.96)	(3,814.00)	(1,743.00)	(5,941.00)	665.39		(149,650.00)	2,693.51		(1585.00)	(195,194.00)	1,185.28	
	(744.50)	(8,390.00)	(3,925.00)	(13,059.50)			(378,272.00)			(1585.00)	(468,422.00)		
Laurens	6,023.00	1,478.00	189.00	7,690.00	241.00		32,938.00	1,049.00		75.00	10,604.00	1,292.00	1.46
Northeastern	115,816.00	22,487.00	7,546.00	145,849.00	1,126.95		326,342.00	3,261.39		5,250.00	477,344.00	1,679.81	
Port Royal and Augusta	48,328.84	5,777.76	2,780.85	56,887.45	567.92	0.65	299,498.53	2,674.41	1.77	586.99	356,672.97	3,184.59	
South Carolina	253,678.52	19,534.74		273,213.26	1,124.35	1.04	1,008,337.40	4,149.56	1.61	2,444.01	1,281,994.66	5,283.50	1.47
Spartanburg, Union and Columbia	46,820.00	4,732.00	1,209.00	52,761.00	441.00		141,793.00	1,174.00		1,418.00	103,258.95	1,822.64	
Wilmington, Columbia and Augusta	147,590.07	37,111.26	18.92	184,720.25	962.08	1.10	399,749.52	2,050.67	1.92	107,817.43	686,256.90	3,574.25	1.73
Totals.	\$1,313,782.23	\$259,602.01	\$93,238.37	\$1,666,623.71	\$940.97	0.62	\$5,926,681.52	\$82,299.58	.68	\$156,750.68	\$5,798,215.45	\$3,387.39	0.68

Income of G. & C. R. R. for July, August, and September, and a part of October, 1880. See report of G. & C. R. R. Co.

†For the months of April, May and June, 1881, while operated by the G. & C. R. R. Co.

‡From June 1st 1880 to March 31, 1881, before passing into the possession of the G. & C. R. R. Co. See end of report of S. U. & C. R. R. Co.

TABLE V—Expenses.

RAILROADS.	MAINTEN- ANCE OF WAY.	MOTIVE POWER AND CARS.	CONDUCTING TRANS- PORTATION.	GENERAL EXPENSES.	TOTAL.	PER MILE OF ROAD.	PER TRAIN MILE.
Asheville and Spartanburg...	\$11,113 94	\$5,145 93	\$3,766 37	\$2,296 00	\$36,070 19	\$736 12	.....
Ashley River.....	.....	.....	.....	400 00	400 00	100 00	.....
Atlanta and Charlotte A. Line	190,224 50	235,349 84	238,461 58	272,859 55	736,895 47	2,739 38	0.88
Augusta and Knoxville.....	.....	.....	.....	.....	.....	.....	.....
Charleston and Savannah.....	148,607 63	80,436 94	72,629 92	313,206 27	312,880 76	3,259 17	0.98
Charlotte, Columbia and Aug..	178,182 54	100,036 61	103,415 13	46,277 25	427,911 53	2,240 37	0.11
Cheraw and Chester	8,430 00	1,678 00	2,688 00	8,181 87	20,977 87	723 37	.....
Cheraw and Darlington.....	10,579 24	14,933 53	9,122 33	4,763 73	39,398 83	984 97	0.77
Cheraw and Salisbury.....	7,832 44	.....	4,909 22	41,463 79	14,205 45	546 36	1.27
Chester and Lenoir.....	.....	.....	.....	.....	22,281 20	353 67	0.43
Columbia and Greenville....	{ 678,741 00	{ 645,219 00	{ 634,522 00	{ 625,945 00	{ 184,427 00	.....	.....
Laurens	{ 89,003 00	{ 84,735 00	{ 58,704 00	{ 32,229 00	{ 264,671 00	2,291 31	.....
Northeastern.....	17,164 00	2,908 00	12,493 00	5,055 00	37,620 00	1,198 00	1.35
Port Royal and Augusta.....	160,304 00	89,685 00	74,249 00	25,574 00	349,812 00	3,429 52	.....
South Carolina.....	53,170 20	90,733 61	79,500 35	532,080 56	255,484 72	2,281 11	0.98
Spartanburg, Union & Colum	375,948 49	311,742 29	269,165 14	762,504 04	1,019,359 96	4,194 90	1.12
Wilmington, Columbia & Aug.	155,597 00	155,954 00	102,789 00	11,012 00	156,713 30	1,059 78	.....
.....	158,400 77	178,637 38	80,590 75	635,813 84	1515,352 00	.....	.....
Total	\$1,493,298 75	\$1,247,195 13	\$1,053,005 79	\$367,662 85	\$4,253,904 02	\$2,442 87	0.51

RAILROADS.	GENERAL EXPENSES—TAXES.			OTHER GEN'L EXPENSES.	TOTAL GEN'L EXPENSES.
	In S. C.	In Ga.	In N. C.		
² Atlanta and Charlotte Air Line.....	\$21,851 48	\$3,050 84	\$1,601 33	\$46,355 90	\$72,859 55
³ Charleston and Savannah.....	.....	338 94	.....	10,867 33	11,206 27
⁴ Cheraw and Salisbury.....	.....	.....	141 76	1,322 03	1,463 79
⁵ Port Royal and Augusta.....	7,942 96	471 68	.....	23,665 92	32,080 56
⁷ South Carolina.....	25,090 12	212 10	.....	37,201 82	62,504 04
⁸ Wilmington, Columbia and Augusta.....	16,793 40	.....	4,298 39	14,722 05	35,813 84
Total.....	\$71,677 96	\$4,073 56	\$6,041 48	\$134,135 05	\$215,928 05

⁶Expenses of G. & C. R. R. for July, August, and September, and a part of October, 1880. See Report of C. & G. R. R. Co.

¹²For the months of April, May, and June, 1881.

¹⁰From June 1, 1880, to March 31, 1881, before the road passed into the possession of the C. & G. R. R. Co.

⁹Estimated by Commissioner.

²From November, 1880, to June, 1881.

TABLE VI.—*Income and Expenses Compared.*

RAILROADS.	INCOME.			EXPENSES.			DIFFERENCE.	
	TOTAL.	PER MILE OF ROAD.	PER TRAIN MILE.	TOTAL.	PER MILE OF ROAD.	PER TRAIN MILE.	INCOME ABOVE EXPENSES.	RATIO OF INCOME TO EXPENSES.
Asheville and Spartanburg.	\$ 35,933 20	\$ 733 50	.....	\$ 36,070 19	\$ 736 12	.....	+\$ 136 99	.99
Ashley River.....	6,102 29	1,525 57	.....	400 00	100 00	.....	5,702 29	15.25
Atlanta & Charlotte Air Line.	1,046,457 43	3,890 17	1.25	736,895 47	2,739 38	0.88	309,561 96	1.42
Augusta and Knoxville.....								
Charleston and Savannah.....	301,570 39	3,141 35	0.95	312,880 76	3,259 12	0.98	+11,310 37	0.96
Char., Columbia & Augusta...	618,748 42	3,239 46	0.16	427,911 53	2,240 37	0.11	190,836 89	1.44
Cheraw and Chester.....	28,940 76	997 97	.....	20,977 87	723 37	.....	7,962 89	1.38
Cheraw and Darlington.....	66,158 84	1,653 97	1.33	39,398 83	984 97	0.77	26,760 01	1.67
Cheraw and Salisbury.....	15,808 25	608 00	1.97	14,205 45	546 36	1.27	1,602 80	1.12
Cheraw and Lenoir.....	46,173 09	732 90	0.89	22,281 20	353 67	0.43	23,891 89	2.07
+Columbia and Greenville.....	663,516 00	3,385 28	.....	449,098 00	2,291 31	.....	214,418 00	1.47
Laurens.....	40,603 00	1,292 00	1.46	37,620 00	1,198 00	1.35	2,983 00	1.07
Northeastern.....	477,341 00	4,679 81	.....	349,812 00	3,429 52	.....	127,529 00	1.36
Port Royal and Augusta.....	356,672 97	3,183 58	1.37	255,484 72	2,281 11	0.98	101,188 25	1.39
South Carolina.....	1,283,994 66	5,283 50	1.47	1,019,359 96	4,194 90	1.12	264,634 70	1.26
+Spar., Union and Columbia.	123,939 95	1,822 64	.....	72,065 30	1,059 78	.....	51,874 65	1.71
Wil., Columbia and Augusta.	686,256 90	3,574 25	1.73	459,442 74	2,392 93	1.16	226,814 16	1.49
Total.....	\$5,798,217 15	\$3,387 99	0.68	\$4,253,904 02	\$2,442 87	0.51	\$1,544,313 13	1.36

†Expense above income. †See Tables IV. and V.

TABLE VII.—*Income Compared with Expenses, Interest, Rental, &c.*

RAILROADS.	TOTAL IN- COME.	TOTAL EX- PENSES.	INTEREST AND RENTAL, PAID.	OTHER PAYMENTS.	TOTAL EXPENSES, IN- TEREST AND RENTAL.	EXCESS OF INCOME OVER EX- PENSES, &c.
Asheville and Spartanburg.....	\$35,933 20	\$36,070 19	.....	.....	\$36,070 19	†\$136 99
Ashley River.....	6,102 29	400 00	2,840 00	.....	3,240 00	2,862 29
Atlanta and Charlotte Air Line... ..	1,046,457 43	736,895 47	332,500 00	.....	1,069,395 47	†22,938 04
Charleston and Savannah.....	301,570 39	312,880 76	28,762 70	.....	341,643 46	†40,073 07
Charlotte, Columbia and Augusta....	618,748 44	427,911 53	191,289 06	.....	619,200 59	†452 17
Cheraw and Chester.....	28,940 76	20,977 87	.....	.....	20,977 87	7,962 89
Cheraw and Darlington.....	66,158 84	39,398 83	20,706 00	.....	60,104 83	6,054 01
Cheraw and Salisbury.....	15,808 25	14,205 45	.....	.....	14,205 45	1,602 80
Chester and Lenoir.....	46,173 09	22,281 20	5,425 00	3,157 91	30,864 11	15,308 98
*Columbia and Greenville.....	663,516 00	449,098 00	.....	.....	449,098 00	214,418 00
Laurens.....	40,603 00	37,620 00	697 00	.....	38,317 00	2,286 00
Northeastern.....	477,341 00	349,812 00	94,294 00	.....	444,106 00	33,235 00
Port Royal and Augusta.....	356,672 97	255,484 72	.....	63,683 01	319,167 73	37,505 24
South Carolina.. .	1,283,994 66	1,019,359 96	228,609 63	.....	1,247,969 59	36,025 07
*Spartanburg, Union and Columbia.	123,939 95	72,065 30	12,500 00	.....	84,565 30	39,374 65
Wilmington, Columbia and Augusta.	686,256 90	459,442 74	96,288 83	.....	555,731 57	130,525 33
Total	\$5,798,217 15	\$4,253,904 02	\$1,013,912 22	\$66,840 92	\$5,334,657 16	†\$463,559 99

*See Tables IV. and V. †Excess of expenses, &c., above Income.

TABLE VIII.—*Track.*

RAILROADS.	MAIN LINE.		BRANCHES.		SIDINGS.	
	Miles Total.	Miles In So. Ca.	Miles Total.	Miles In So. Ca.	Miles Total.	Miles In So. Ca.
Asheville and Spartanburg.....	49	23.2	0	0	.15	.11
Ashley River.....	4	4	0	0	0	0
Atlanta and Charlotte Air Line.....	269	123.6	0	0	12.5	3.1
Augusta & Knoxville.....	30	14	0	0	0	0
Charleston and Savannah.....	96	84	0	0	11	10.75
Charlotte, Columbia and Augusta.....	191	177.5	0	0	.....	.....
Cheraw and Chester.....	29	29	0	0	.....	.....
Cheraw and Darlington.....	40	40	0	0	0	0
Cheraw and Salisbury.....	26	11	0	0	0	0
Chester and Lenoir.....	63	37	0	0	.62	.38
Columbia and Greenville.....	142.5	142.5	53.5	53.5	.....	.....
Laurens.....	31.4	31.4	0	0	0	0
Northeastern.....	102	102	0	0	0	0
Port Royal and Augusta.....	112	109	0	0	3	2.5
South Carolina.....	62	62	181	181	32.6	32.6
Spartanburg, Union and Columbia.....	68	68	0	0	.....	.....
Wilmington, Columbia and Augusta.....	192	124	0	0	13	10
Total.....	1,506.9	1,182.2	234.5	234.5	72.87	59.44

TABLE VIII.—*Track*—Concluded.

RAILROADS.	MAIN LINE AND BRANCHES.		MAIN LINE, BRANCHES, AND SIDINGS.		STEEL RAILS.	GAUGE.
	Miles Total.	Miles In So. Ca.	Miles Total.	Miles In So. Ca.	Miles.	Feet.
Asheville and Spartanburg.....	49	23.2	49.15	23.31	.....	5
Ashley River.....	4	4	4	4	4	5
Atlanta and Charlotte Air Line.....	269	123.6	281.5	126.7	48	5
Augusta and Knoxville.....	30	14	30	14	.....	5
Charleston and Savannah.....	96	84	107	94.75	42	5
Charlotte, Columbia and Augusta.....	191	177.5	191	177.5	38.07	5
Cheraw and Chester.....	29	29	29	29	.....	3
Cheraw and Darlington.....	40	40	40	40	0	5
Cheraw and Salisbury.....	26	11	26	11	26	5
Chester and Lenoir.....	63	37	63.62	37.38	0	3
Columbia and Greenville.....	196	196	196	196	26.4	5
Laurens.....	31.4	31.4	31.4	31.4	.....	5
Northeastern.....	102	102	102	102	34	5
Port Royal and Augusta.....	112	109	115	111.5	.....	5
South Carolina.....	243	243	243	275.6	97.5	5
Spartanburg, Union and Columbia.....	68	68	68	68	.....	5
Wilmington, Columbia and Augusta...	192	124	205	134	66	5
Total.....	1,741.4	1,416.7	1,814.27	1,476.14	381.97	

TABLE IX.

RAILROADS.	BRID			
	IRON.		WOODEN.	
	Number.	Aggregate Length. Feet.	Number	Aggregate Length. Feet.
Ashland & Spartanburg	None.	.....	1	136
Ashley River.....				.....
Atlanta & Charlotte Air Line.....	2	1,450	11	3,150
Augusta & Knoxville.....	1	700		.....
Charleston & Savannah			6	2,250
Charlotte, Columbia & Augusta			4	1,432
Cheraw & Chester.....				
Cheraw & Darlington.....				
Cheraw & Salisbury.....				
Chester & Lenoir.....	None.	.....	1	100
Columbia & Greenville	1	830.6	9	2651.4
Laurens				
Northeastern.....	5	2,500		.....
Port Royal & Augusta.....			1	850
South Carolina.....			5	2,528
Spartanburg, Union & Columbia			1	.....
Wilmington, Columbia & Augusta.....		500		670
Total.....	9	5980.6	39	13767.4

Bridges and Crossings.

GES.				CROSSINGS.			
COMBINATION.		TRESTLES.		HIGHWAYS.			
Number.	Ag'gate Length. Feet.	Number.	Ag'gate Length. Feet.	At Grade.	Under Railroad	Above Railroad.	Without signs.
None.	.....	10	3,250	12	2	.....	14
.....	.....	27	12,000	.....	.....	.....	.....
1	52	31	200	i n	d e f	i n	i t e
.....	.....	.....	42,240	22	2	.....	2
2	2,161	35	7,973	.....	.....	.....	.....
1	.....	.....	.....	.....	.....	.....	.....
.....	.....	7	5,280	5	1	.....	6
.....	.....	9	5,280	6	1	.....	7
1	310	5	2,200	19	.....	1	20
2	323.8	199	21391.2	276	138	1	.....
.....	.....	23	2,302	46	23	.....	.....
.....	.....	10	40,000	.....	.....	.....	.....
.....	.....	15	8,600	.....	.....	.....	a l l
.....	.....	40	29,718	46	.....	5	nearly all
.....	.....	29	7,250	60	30	.....	.....
.....	.....	.....	34,815	.....	.....	.....	100
7	2846.8	440	222,499.2	492	197	7	149

TABLE X.—*Equipment.*

RAILROADS.	Number of Locomotives.....	Number of Passenger Cars..	Number of Flat Cars.....	No. of Express Cars..... and Baggage Cars.....	No. of other Cars.....	Number of Locomotives with Train Brake.	Number of Cars with Train Brake.....	Kind of Brake in use on Road.
	Operated by	Ch.	& Sav.	Railroad	Company			
Ashley River.....	30	17	337	11	27	13	33	Westinghouse Air Brake.
Asheville and Spartanburg.....	2	1	5	5	17	3	3	Hand.
Atlanta and Charlotte Air Line.....	12	8	55	3	13	8	18	Air and Hand.
Augusta and Knoxville.....	21	18	203	3	9			Westinghouse.
Charleston and Savannah.....	3	2	12	1	5			Hand.
Charlotte, Columbia and Augusta.....	3	3	20					
Charlotte and Columbia.....	4	4	27	2	8			Hand.
Cheraw and Darlington.....	17	14	157	4	30	3	12	Westinghouse Air Brake.
Cheraw and Salisbury.....								Hand.
Chester and Lenoir.....	13	17	150	5	7	7	18	Westinghouse Air Brake.
Columbia and Greenville and Blue R.	12	10	213	3	6			Hand Brake.
Laurens.....	44	34	657	5	9	12	26	Westinghouse Air Brake.
Northeastern.....	5	6	26					Hand.
Port Royal and Augusta.....	21	12	367	2	4	9	18	Westinghouse Air Brake.
South Carolina.....								
Spartanburg, Union and Columbia.....								
Wilmington, Columbia and Augusta.								
Total.....	187	146	2,229	41	135	55	125	

TABLE XI.—*Passenger Traffic.*

RAILROADS.	NUMBER OF THROUGH PASSENGERS CARRIED.	NUMBER OF LOCAL PASSENGERS CARRIED.	TOTAL NUMBER OF PASSENGERS CARRIED.	TOTAL NUMBER CARRIED ONE MILE.	AVERAGE AMOUNT RECEIVED FROM EACH PASSENGER.	AVERAGE RATE PER MILE.
Asheville and Spartanburg.....	.....	.....	14,403	.....	\$1 14	.....
Ashley River.....	.....	.....	.....	.....	.....	.....
Atlanta & Charlotte Air Line.....	18,330	118,807	137,137	8,435,670	2 15	.034
Augusta and Knoxville.....	.....	.....	.....	.....	.....	.....
Charleston and Savannah.....	18,787	65,337	84,124	4,308,190	1 45	.028
Char., Columbia and Augusta.....	10,816	78,381	89,197	4,106,272	1 83	.039
Cheraw and Chester.....	.....	.....	.....	.....	.....	.....
Cheraw and Darlington.....	.....	.....	16,311	24,960	60	.039
Cheraw and Salisbury.....	.....	.....	3,967	6,760	80	.047
Chester and Lenoir.....	2,100	10,090	12,190	.....	74	.....
Col., Greenville and Blue Ridge	2,723	44,562	47,285	1,712,094	1 83	.....
Laurens.....	.....	.....	6,276	107,887	95	.055
Northeastern.....	19,738	35,339	55,077	.....	2 10	.....
Port Royal and Augusta.....	5,215	40,279	45,494	.....	1 06	.....
South Carolina.....	8,518	166,703	175,221	7,277,599	1 45	.034
†Spar., Union and Columbia.....	332	975	1,307	43,908	5 07	.15
Wil., Columbia and Augusta.....	22,876	53,330	76,206	.....	1 93	.....
Total.....	109,435	613,803	764,195	26,023,335	\$1 71	.04

† From 1st to 30th June, 1881.

TABLE XII.—

RAILROADS.	Number of Tons of Through Freight Carried.	Through Freight, Mileage or Number of Tons Carried One Mile.	Number of Tons of Local Freight.
Asheville and Spartanburg.....			
Ashley River.....			
Atlanta and Charlotte Air Line....	165,293	25,250,116	59,499
Augusta and Knoxville.....			
Charleston and Savannah	42,958.6	2,533,477	28,074.4
Charlotte, Columbia and Augusta.	86,106.33		79,534.01
Cheraw and Chester.....			
Cheraw and Darlington.....			
Cheraw and Salisbury.....			
Chester and Lenoir.....	13,527		1,264
Columbia and Greenville			
Laurens			
Northeastern.....	No	Account	- kept.
Port Royal and Augusta.....	96,100		57,795
South Carolina	165,230	21,975,679	192,159
Spartanburg, Union & Columbia...			
Wilmington, Columbia & Augusta.			
Total	569,214.93	49,759,269	418,325.41

Freight Traffic.

Local Freight Mile- age.	Total Number of Tons Carried.	Total Freight Mile- age.	Average Amount Received for each Ton of Freight.	Average Rate Per Mile Through Freight.	Average Rate Pe Mile Local Freight.	Average Rate Per Ton Per Mile for all Freight.
3,363,624	224,792	28,613,740	\$2 76	.019	.04	.021
2,273,822	71,033	4,807,296	1 88	.022	.034	.0278
.....	165,640.34	12,883,552	2 46	.....	.....	.032
.....	14,791	.....	2 32			
.....	153,895	.....	1 72	1.44	1.69	1.57
18,720,023	357,389	40,695,702	2 80	.019	0.031	.024
.....	151,940.96	.....	2 59			
24,357,469	1,139,481.30	87,000,290	\$2 56	.019	.03	.02

TABLE XIII.—*Train Mileage.*

RAILROADS.	Passenger.	Freight.	Other Trains.	Total.
Ashley River.....				
Asheville and Spartanburg....	31,300			31,300
Atlanta and Charlotte A. L....	481,823	352,269	13,086	847,178
Augusta and Knoxville.....				
Charleston and Savannah.....	135,240	169,495	12,480	317,215
Charlotte, C. and A.....	867,220	2,821,727	165,910	3,854,857
Cheraw and Chester.....				
Cheraw and Darlington.....	24,960	24,960	800	50,720
Cheraw and Salisbury.....	6,760	1,248	3,120	11,128
Chester and Lenoir.....	31,038	20,692		51,730
Columbia and G. and B. R....	532,313	1,674,473	158,389	2,365,175
Laurens				27,757
North Eastern.....				
Port Royal and Augusta.....	86,980	167,770	5,000	259,750
South Carolina.....	265,388	612,781	36,520	914,689
Spartanburg, Union and C....	94,136	940,360		1,034,496
Wilmington, C. and A.....	166,685	205,597	24,269	396,551
Total	2,723,843	6,991,372	419,574	10,162,546

TABLE XIV.—*Acridin* *m*

PERSONS

TABLE XV.—Comparative Table of Traffic for the Years 1880 and 1881.

RAILROADS.	PASSENGER TRAFFIC.				FREIGHT TRAFFIC.							
	1880.			1881.			1880.			1881.		
	Number Carried.	Average Amount re'd from Each.	Number Carried.	Average Amount re'd from Each.	Number of Tons Carried.	Av. Am't Received for Each Ton.	Av. Rate Per Ton Per Mile.	Number of Tons Carried.	Av. Am't re'd from each Ton.	Av. Rate Per Ton Per Mile.		
A. C. Air Line.....	97,759	\$2 74	137,137	\$2 15	194,870.00	\$2 76	\$0.019	224,792.00	\$2 76	\$0.021		
Charleston & Sav..	76,556	.....	.....	.....	14,713.19	1 82	0.029	71,033.00	1 88	0.027
C., C., & Augusta.	13,384	2 35	89,197	1 83	131,297.83	2 65	0.035	165,640.34	2 46	0.032		
Cheraw & Dar.....	52,387	65	16,311	60								
Northeastern.....	155,244	1 91	55,077	2 10	308,779.00	3 00	0.025	357,380.00	2 80	0.024		
South Carolina....	55,784	1 57	175,221	1 45	143,922.00	2 32	.....	151,940.96	2 59		
Wil., Col., & Aug.		2 10	76,206	1 93								
Total	451,114	\$1 96	549,149	\$1 78	793,582.02	\$2 85	\$0.026	970,795.30	\$2 56	\$0.025		

TABLE XVI.—Comparative Table of Income and Expenses for the Years 1880 and 1881.

RAILROADS.	INCOME.			
	1880.		1881.	
	Total.	Per Mile.	Total.	Per Mile.
Ashley River.....	\$6,034 00	\$1,508 50	\$ 6,102 29	\$1,525 57
Asheville and Spartanburg.....	14,948 16	649 92	35,933 20	733 50
Atlanta and Charlotte Air Line.....	884,976 46	3,289 87	1,046,457 43	3,890 17
Charleston and Savannah.....	259,417 32	2,255 80	301,570 39	3,141 35
Charlotte, Columbia and Augusta.....	541,115 61	2,833 06	618,748 42	3,239 46
Cheraw and Chester.....	18,886 34	699 50	28,940 76	997 97
Cheraw and Darlington.....	62,131 57	1,553 28	81,967 09	1,241 92
Cheraw and Salisbury.....	Included in	Cheraw and	Darlington.	
Chester and Lenoir.....	39,620 42	792 40	46,173 09	732 90
*Columbia, Greenville and Blue Ridge.....	542,882 88	2,769 80	663,516 00	3,385 28
Laurens.....	35,278 14	1,123 50	40,603 00	1,292 00
Northeastern.....	412,502 94	4,044 14	477,341 00	4,679 81
Port Royal and Augusta.....	302,786 85	2,703 45	356,672 97	3,184 59
South Carolina.....	1,194,129 67	4,914 11	1,283,994 66	5,283 50
*Spartanburg, Union and Columbia.....	83,720 84	1,231 26	123,939 95	1,822 64
Wilmington, Columbia and Augusta.....	552,982 72	2,880 11	686,256 90	3,574 25
Total.....	\$ 4,951,413 92	\$2,886 44	\$ 5,798,217 15	\$3,387 99

*See Tables IV and V.

TABLE XVI.—Comparative Table of Income and Expenses for the Years 1880 and 1881.—(Continued.)

RAILROADS.	EXPENSES.			
	1880.		1881.	
	Total.	Per Mile.	Total.	Per Mile.
Ashley River.....	\$ 577 00	\$ 144 25	\$ 400 00	\$ 100 00
Asheville and Spartanburg.....	14,805 81	643 73	36,070 19	736 12
Atlanta and Charlotte Air Line.....	678,437 55	2,522 07	736,895 47	2,739 38
Charleston and Savannah.....	215,260 06	1,871 82	312,880 76	3,259 17
Charlotte, Columbia and Augusta.....	336,924 58	1,764 00	427,911 53	2,240 37
Cheraw and Chester.....	10,365 40	393 90	20,977 87	723 37
Cheraw and Darlington	31,565 03	789 12	53,604 28	812 18
Cheraw and Salisbury.....	19,655 78	393 11	22,281 20	353 67
Chester and Lenoir	420,427 81	2,145 03	449,998 00	2,291 31
*Columbia, Greenville and Blue Ridge.....	30,969 84	986 30	37,620 00	1,198 00
Laurens.....	219,234 40	2,149 36	349,812 00	3,429 52
Northeastern.....	236,100 64	2,108 04	255,484 72	2,281 11
Port Royal and Augusta.....	908,007 07	3,718 51	1,019,359 96	4,194 90
South Carolina	61,413 02	903 13	72,065 30	1,059 78
*Spartanburg, Union and Columbia.....	402,022 62	2,093 86	459,442 74	2,392 93
Wilmington, Columbia and Augusta.....				
Total	\$ 3,585,766 61	\$ 2,090 33	\$ 4,253,904 02	\$ 2,442 87

*See Tables IV and V.

TABLE XVI.—*Comparative Table of Income and Expenses for the Years 1880 and 1881.—(Concluded.)*

RAILROADS.	NET INCOME.		INCREASE OF NET INCOME.
	1880.	1881.	
Ashley River.....	\$ 5,457 00	\$ 5,702 29	\$ 245 29
Asheville and Spartanburg.....	142 35	+136 99	°279 34
Atlanta and Charlotte Air Line.....	206,538 91	309,561 96	103,023 05
Charleston and Savannah.....	44,157 26	+11,310 37	°55,467 63
Charlotte, Columbia and Augusta.....	204,191 03	190,836 89	°13,354 14
Cheraw and Chester.....	8,520 94	7,962 89	°558 05
Cheraw and Darlington.....	30,566 54	28,362 81	°2,203 73
Cheraw and Salisbury.....			
Chester and Lenoir.....	19,964 64	23,891 89	3,927 25
*Columbia, Greenville and Blue Ridge.....	122,455 07	214,418 00	91,962 93
Laurens.....	4,308 30	2,983 00	°1,325 30
Northeastern.....	193,268 54	127,529 00	°65,739 54
Port Royal and Augusta.....	66,686 21	101,188 25	34,502 04
South Carolina.....	286,122 60	264,634 70	°21,487 90
*Spartanburg, Union and Columbia.....	22,307 82	51,874 65	29,566 83
Wilmington, Columbia and Augusta.....	150,960 10	226,814 16	75,854 06
Total.....	\$ 1,365,647 31	\$ 1,544,313 13	\$ 178,665 82

*See Tables IV and V. + Deficit. ° Decrease.



TABLE XVIII.—*Comparative Summary from Returns of*

	1880.
Total length of roads and branches..... (Miles).	1,715.4
Total length of roads and branches in South Carolina.	1,404.5
Steel rails—(Number miles).....	262.6
*Capital stock paid in.....	\$8,476,120 00
Capital stock paid in per mile of road.....	8,367 34
*Funded debt.....	12,961,064 51
*Unfunded debt.....	697,217 70
*Total debt.....	13,658,282 21
Total debt per mile of road.....	12,634 85
Cost of roads and equipment.....	26,074,876 67
Cost of roads and equipment per mile of road.....	24,718 36
Income of all the roads.....	\$4,951,413 92
Income of all the roads per mile.....	2,886 44
Expenses of all the roads	3,585,766 61
Expenses of all the roads per mile.....	2,090 33
Net income.....	1,365,647 31
Net income per mile of road.....	796 11
†Number of passengers transported.....	465,259
‡Number of tons of freight.....	773,582 02
Number of persons injured.....	14
Number of persons killed.....	22

*A. R., A. & C. A. L., A. & K., C. C. & A., C. & C., C. & D., C. & Sals., C. & L., N. E., P. R. & A., W. C. & A.

†A. & S., A. & C. A. L., C. C. & A., Ch. & D., N. E., S. C., W. C. & A.

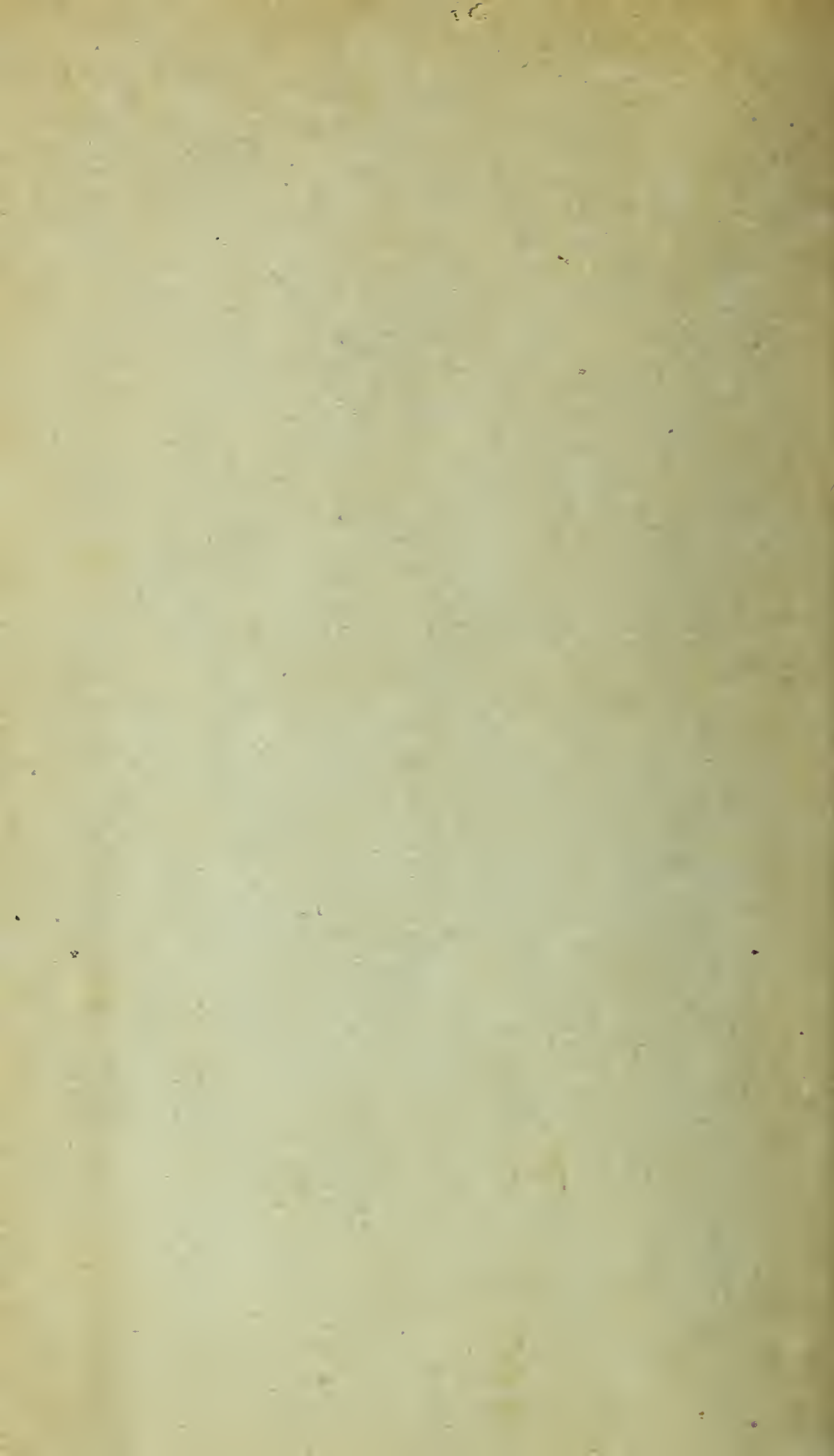
‡A. & C. A. L., Ch. & Sav., C. C. & A., S. C.

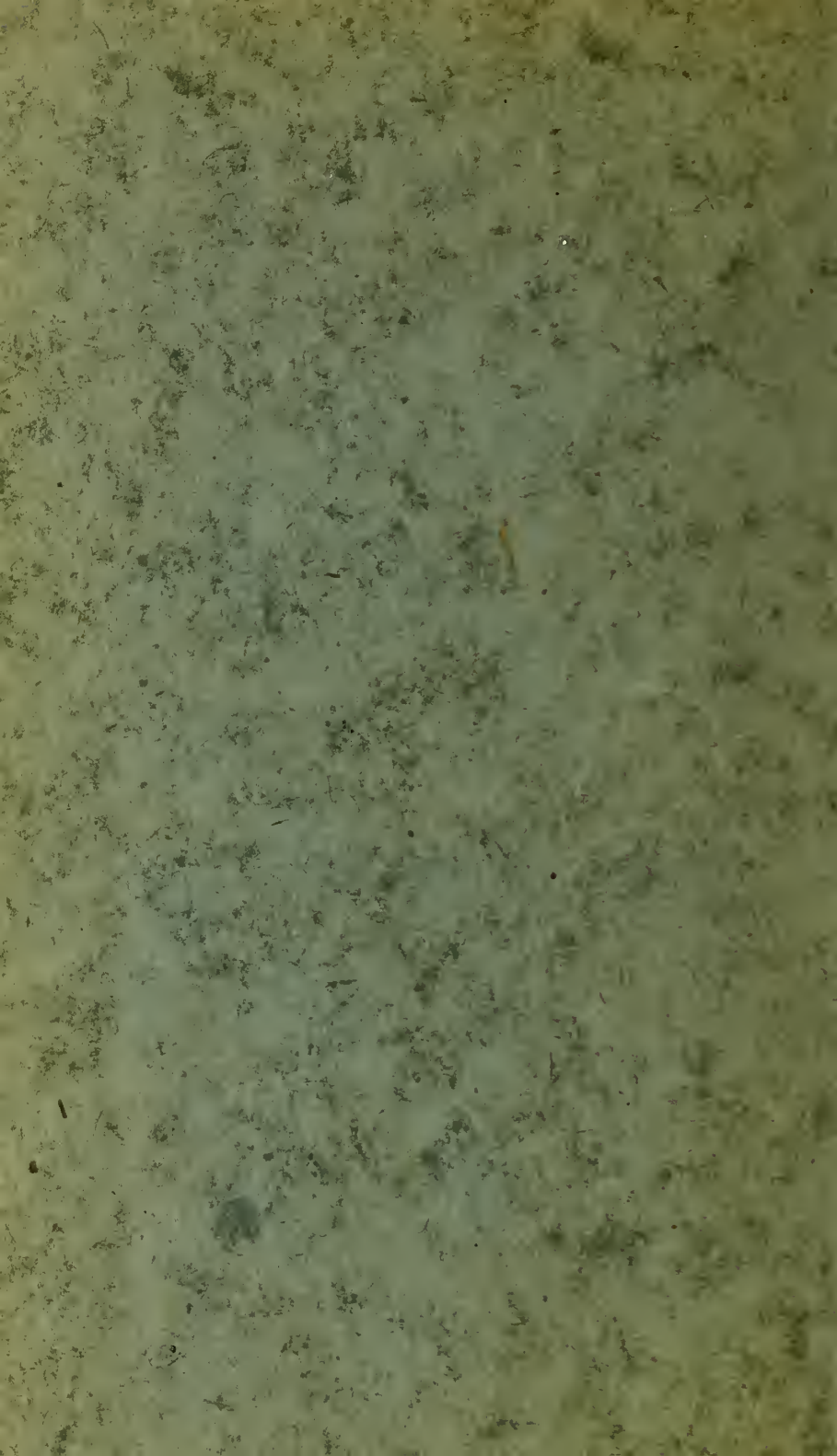
1880-81, *Showing Percentage of Increase and Decrease.*

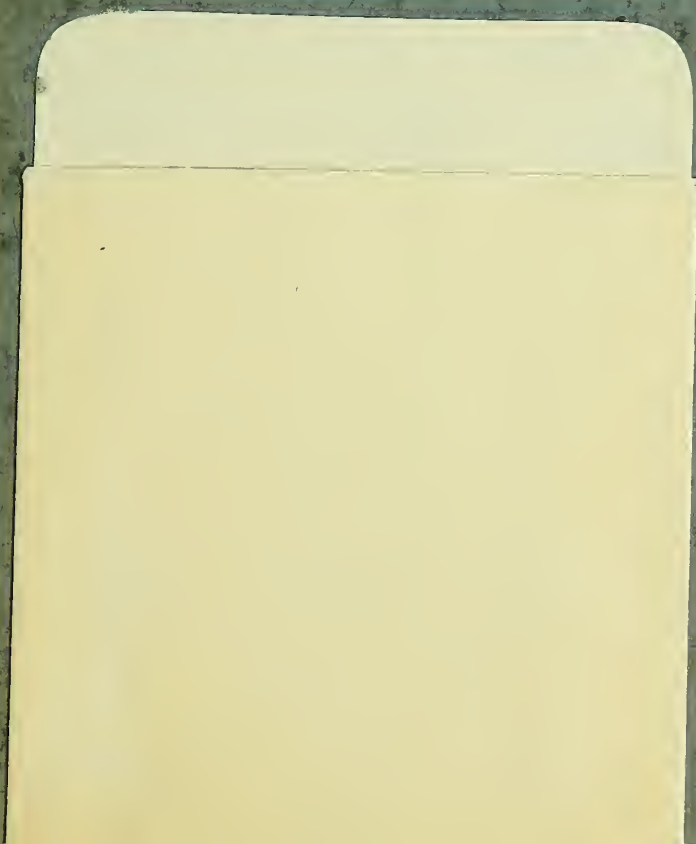
1881.	INCREASE.	DECREASE.	PERCENT. OF INCREASE.	PERCENT. OF DECREASE.
1,741.4	26	.....	1.5	
1,416.7	12.2	.....	.86	
381.97	119.37	.....	45	
\$8,562,270 00	\$86,150 00	.....	1.01	
7,734 66	.....	\$ 632 68	.....	7.5
15,402,116 73	2,441,052 22	.....	18.0	
521,033 81	.....	176,183 89	.....	25.0
15,923,150 54	2,264,868 33	.....	16.0	
15,048 34	2,413 49	.....	19.0	
26,742,913 07	668,036 40	.....	2.5	
24,400 46	.....	317 90	.....	1.2
\$5,798,217 15	\$846,803 23	.....	17.0	
3,387 99	501 55	.....	17.0	
4,253,904 02	668,137 41	.....	18.0	
2,442 87	352 55	.....	16.0	
1,544,313 13	178,665 82	13.0	
886 82	90 71	11.0	
563,552	982 93	21.0	
970,795 30	197,213 28	25.0	
49	35	250.0	
21	1	4.5











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